

Legislature of Ontario Debates

Third Session of the Thirtieth Legislature

Thursday, November 25, 1976 – Thursday, December 16, 1976

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Legislature of Ontario Debates

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Third Session of the 30th Parliament

Thursday, November 25, 1976

Afternoon Session

Speaker: Honourable Russell Daniel Rowe

Clerk: Roderick Lewis, QC

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LEGISLATURE OF ONTARIO

THURSDAY, NOVEMBER 25, 1976

The House met at 2 p.m.

Prayers.

Mr. Speaker: Statements by the ministry.

MOPED HELMETS

Hon. Mr. Snow: Mr. Speaker, I would like to advise the House today that the amendment to The Highway Traffic Act, section 62, subsection 1, contained in Bill 129 passed last year, will be proclaimed in force on January 1, 1977.

This section at present covers the wearing of approved helmets by persons operating motorcycles.

The amendment will also make the wearing of such helmets mandatory for moped drivers.

For the past year, my ministry has been studying various types of helmets to select one suitable for wearing by persons operating a moped, or motor-assisted bicycle.

As the hon. members are aware, we did this with a view toward making the wearing of helmets compulsory once one was chosen which met the ministry's safety specifications.

Mr. Cassidy: It took eight months.

Hon. Mr. Snow: We examined moped helmets of many designs and materials, including those used in other countries.

In the end, we did not feel that any of them possessed significant advantages over the helmets currently worn by motorcycle riders, and hence the same helmet standards will apply to both types of vehicles.

According to the most recent ministry statistics, four moped drivers were killed and 203 injured on Ontario roads during the first nine months of 1976. Happily, these figures represent a 50 per cent decline in fatalities and a 53 per cent drop in injuries over the previous year.

However, the select committee on highway safety wrote to me a few weeks ago voicing the feelings of representatives of all three Ontario political parties and very strongly urging that the government, without delay, take action on the compulsory wearing of helmets by moped drivers.

I am announcing a change to The Highway Traffic Act, making it mandatory, effective January 1, 1977, for all who drive mopeds or motor-assisted bicycles to wear helmets of the type approved as motorcycle helmets.

In The Highway Traffic Act, an approved motorcycle helmet meets the standards of the Canadian Safety Association, Snell Memorial Foundation, the British Standards Institute or the United States of America Federal Motor Vehicle Safety Standard 218.

Such helmets must bear the appropriate monogram or certificate identifying them clearly as one of the four approved motorcycle helmets.

Hopefully, this change in the law will help bring about an even greater reduction in the number of deaths and injuries experienced among moped drivers thus far this year.

FUNDING AND TUITION FEES

Hon. Mr. Parrott: Mr. Speaker, I wish to announce funding levels for 1977-78 for the universities and colleges of applied arts and technology and to announce an adjustment to fees.

With regard to funding the university system, I have accepted the advice of the Ontario Council on University Affairs. We will provide operating funds of $703 million in 1977-78, a $52 million increase over this year's projected expenditures of $651 million.

The colleges will receive operating grants totalling $250 million, up from $230 million in the current year.

We believe the increased costs faced by universities and colleges should be borne in part by the students who use them and in part by the taxpayer. Consequently, we have suggested that universities increase their tuition fees for a two-term academic year by $100. Tuition fees for a similar period in the colleges of applied arts and technology will be increased by $75. This will be the first increase in five years.

Average academic fees in the universities have been frozen at slightly less than $600

since 1972. The increase I am asking for in 1977 will result in an average annual increase over five years of 3.2 per cent.

In the colleges, fees have been fixed at $250 since 1972. Next year's increase to $325 will mean an annual average increase over five years of 5.4 per cent.

These figures, 3.2 per cent for the universities and 5.4 per cent for the colleges, compare to an annual average increase in the consumer price index of 8.1 per cent.

Looking at it another way, fees currently make up 14.4 per cent of universities' incomes from fees and grants, down from more than 17 per cent following the 1972 fee increase. The 1977 increase will result in tuition fees amounting to 16.1 per cent of this income.

This means that even after the increase university students will only be paying, on average, about 16 per cent of their educational costs. Taxpayers will continue to pay about 80 per cent with the remainder coming from private sources.

Similarly, in the colleges, fees were roughly 13 per cent of income in 1972 and they are about 10 per cent of income in the current year. After the increase next year, students will again be paying 13 per cent of the costs of their education.

This increase in tuition fees does not change the government's commitment to ensure that students' access to post-secondary education is not limited by their financial resources.

As in the past, students who can't pay their full share of education costs may apply for financial assistance from the Ontario Student Assistance Programme.

Mr. Bain: They will never get it.

Hon. Mr. Parrott: Higher tuition fees will be taken directly into account in assessing these students' financial needs. The assistance programme's budget for grants provided by the province will be increased from $61 million in the current year to $74 million in 1977-78.

Currently students are required to borrow $1,000 before they can receive non-repayable funds from the province. I am pleased to confirm that this level of required borrowing will not have to be increased.

The fee increase is dictated by two obligations: First, the obligation to maintain a responsible attitude toward public expenditures; and second, the obligation to maintain the quality of the post-secondary education system so that it will continue to meet the needs of the people of Ontario.

The province's financial situation does not permit us to meet necessary funding levels wholly from provincial revenues. We can see no acceptable alternatives to the one we have chosen. In the circumstances, I believe the taxpayers of Ontario, the institutions and the students themselves are best served by the moderate fee increase we have proposed.

In conclusion, I will emphasize again that we intend, through the Ontario student assistance programme, to continue our firm policy that no deserving student will be denied, for financial reasons, a place in Ontario's post-secondary educational system.

Mr. Cassidy: More and more of them have been turned away.

Mr. Speaker: Order, please.

Hon. Mr. Parrott: I will meet with the student council presidents in two weeks' time to reassure them about this policy and to discuss any other concerns that they may have at that time.

Mr. Cassidy: They can't go, because they can't get jobs. It's true; 20 per cent of them can't get jobs. There were none, that's why.

Mr. Speaker: Order, please.

LAND SPECULATION TAX EXEMPTION

Hon. Mr. Meen: Mr. Speaker, on November 10 the hon. member for Hamilton West (Mr. S. Smith) asked for an explanation of the land speculation tax exemption that was granted to the Ronto Development Company on its sale of lands in the city of Brantford to George Wimpey Canada Limited.

When this question was raised, I indicated that since the matter had occurred some months earlier and was quite complex, I would like to refresh my memory before reporting to the House. I am now prepared to make a complete report.

The grant of exemption to Ronto was made under Ontario Regulation 340/76, dated April 15, 1976. Since that time, it appears that the merits of the action taken in the Ronto case have been somewhat obscured in various media reports of the matter. I am pleased, therefore, to have this opportunity to explain the matter fully so that the House may be assured that the exemption was justified.

Mr. Sargent: Sure it was!

Hon. Mr. Meen: At the outset, I would like to say that exemptions granted by way of a regulation for a specific transaction, such as the one involving the lands sold by Ronto, are uncommon. Such a grant of exemption is considered only where there are extenuating circumstances not specifically covered by the legislation and where the grant of exemption is in conformity with the main intent of the legislation and serves the public interest.

One important aspect of the land speculation tax legislation is that an exemption from the tax may be earned by an owner who services or develops land for residential purposes or for other beneficial uses prior to sale. An exemption for such servicing or development, subject to certain conditions, was specifically provided by the Legislature in section 4(k) of The Land Speculation Tax Act.

Mr. Sargent: The first thing you have to be is a Conservative.

Hon. Mr. Meen: An alternative way of stating this principle is to say that the legislation was not intended in any way to impede the servicing or development of land for residential or other beneficial purposes. Indeed, since the land speculation tax was not designed primarily to raise revenue for the province, we could be criticized if the legislation were not applied in a positive way to remove any unintended impediments to development.

This point is worth stressing. Although there was, in the Ronto case, the possibility that some or all of the land speculation tax payable by Ronto might be added to the eventual cost of the housing, a more basic justification for the exemption was the need to ensure that the extenuating circumstances in this case, for which there was no specific provision in the legislation, would not impede the important objective of expanding the supply of housing.

Mr. Bullbrook: You can't be serious with this.

Hon. Mr. Meen: Let me outline briefly what these extenuating circumstances were. Ronto first came to the attention of the Revenue officials shortly following the death of Mr. Ron Todgham in December 1975. Mr. Todgham had been the chairman of the corporate partnership carrying on business under the name of the Ronto Development Company and in that capacity was intimately involved in its management.

Up to that time, Ronto had been proceeding to develop the lands in question with a view to selling these lands to builders as fully serviced lots. Had the development work been completed, there was every expectation that the eventual disposition of the lands by Ronto would have fully qualified for the automatic exemption provided in the land speculation tax legislation.

[2:15]

Indeed, by December 1975, the development work had been underway for some time. For example, to facilitate the annexation of the land by the city of Brantford, Ronto had participated in the preparation of the economic base studies and had assisted in the preparation of other official plan amendments. A draft approval of a plan of subdivision had been received from the city and Ronto's engineer had prepared the engineering designs and specifications for servicing the subdivision and had received approval for these from the city. Development had, in fact, proceeded to the state where Ronto had called for tenders for the installation of services on a portion of the property.

Mr. Bullbrook: All of which increased the value.

Hon. Mr. Meen: All that was required to complete the development work was to install the services.

Mr. S. Smith: To improve the land.

Hon. Mr. Meen: However, the extensive financial involvement of Mr. Todgham at the time of his death, coupled with the requirement of his estate to liquidate his financial obligations, made it difficult if not impossible for Ronto to continue the financing of the installation of services to the point where the company could have qualified for the automatic exemption from tax.

The offer of Wimpey to buy the property and continue with the development and installation of services to the point where building permits were available, provided the assurance that Ronto's difficulties would not unduly impede the completion of the work already in progress. Furthermore, Wimpey also gave its undertaking to the Minister of Revenue to proceed with the building of housing units on the serviced lots and to sell these units to the public. I might also mention in passing that the completion of Wimpey's undertaking in this regard has been ensured by a lien upon the lands in favour of the Crown under a land transfer tax deferral that was granted to Wimpey in accord-

ance with section 16(1) of The Land Transfer Tax Act. That's order in council 892/76, dated April 7, 1976.

Given these various circumstances, I now ask the House to consider the alternatives confronting us when the matter of a possible grant of exemption to Ronto was first raised. Although Ronto had already proceeded in good faith with a substantial part of the work necessary to complete the servicing and development of the lands, the work at the time of Mr. Todgham's untimely death had not yet reached the point where building permits would have been available, and where an automatic exemption from land speculation tax would thus have been earned by the company without the need for any special regulation.

The question, then, was whether it was in the public interest and within the intent of the Act to impose the tax strictly on the basis that building permits were not available, as was required under the automatic exemption provisions of the legislation, or to recognize the extenuating circumstances and grant a specific exemption in order to remove an unusual and unforeseen impediment to the development of housing, as was clearly authorized in the regulatory provisions of the legislation.

Thus, on the one hand, if the decision were made to deny the exemption, then, in view of the inability of Ronto to carry out the servicing and development necessary to obtain building permits, there was the prospect that either the land might not be sold quickly or that, if sold, the use of the land for housing might be considerably delayed.

On the other hand, if the decision were made to grant the exemption to Ronto, there was a firm undertaking by the purchaser, Wimpey, not only to complete Ronto's obligations to service and develop the lands, but also to produce and sell approximately 2,300 homes to the public by June 30, 1983.

It was, of course, evident that a substantial gain would be obtained by Ronto on the sale of the property and that the exemption would provide a large tax relief. However, this relief was considered to be of secondary importance in view of the extenuating circumstances relating to Mr. Todgham's death: the work already completed by Ronto, the inability of Ronto to continue with that work, and the certainty that the completion of the sale to Wimpey would provide Ontarians with this new stock of housing.

We concluded there was a strong case for using the power provided in the legislation to grant the exemption so that this substantial housing programme would be certain to proceed.

Mr. Nixon: Friend of the developer. Ten million dollars. Friend of the developer—remember that phrase? Friend of the developer.

Mr. Speaker: Order, please. Order.

Hon. Mr. Meen: Finally, I would like to clarify one other matter raised by the hon. member for Hamilton West (Mr. S. Smith). He suggested that Ronto had derived a profit of some $10 million from the sale of the land. Such a figure may, of course, be obtained by subtracting the consideration paid by Ronto from Ronto's proceeds of disposition of some $12 million. These amounts are available in the public record.

However, I would like to correct any impression that $10 million would have been the amount to which land speculation tax would have applied if the exemption had not been granted. Although the conveyance of the land to Ronto was not registered until June, 1974, the land was actually acquired by Ronto in 1973.

Tax would therefore have been computed by reference to the "net taxable value," after deducting the April 9, 1974, fair market value and all other adjustments authorized in the statute from the proceeds of disposition, including the very large expenditure to develop the land.

Mr. Bullbrook: What was that difference? How much was the difference?

Mr. Nixon: You are not concerned?

Mr. Bullbrook: Did you calculate the difference?

Mr. Speaker: Order please. The hon. minister has a statement.

Mr. Bullbrook: What value did you put on it? As of April? You didn't even go into the April value?

Mr. Speaker: Order. The member for Sarnia is out of order.

Hon. Mr. Meen: Regrettably, I am unable—

Interjection.

Mr. Bullbrook: He didn't as minister. He didn't even go into the April value.

Hon. Mr. Meen: Regrettably, I am unable to provide the specific amounts submitted to the ministry by Ronto since I am bound by the secrecy provisions of the statute.

However, I can assure this House that although the exact figures were not totally verified by ministry officials because of the granting of the exemption, the actual net taxable value to which tax would have applied would not have been anywhere close to the figure mentioned by the hon. member.

Mr. Nixon: You didn't even find out how much you were going over.

Mr. Bullbrook: You don't even know yourself how much you have lost.

Hon. Mr. Meen: I believe this may be obvious, in view of the escalation of land values that occurred in the months immediately prior to the introduction of the tax in April, 1974, and during which the land in question was held by Ronto.

Mr. Lewis: Before we enter the question period, could the minister read that last paragraph again?

Hon. Mr. Meen: I shall read it immediately, Mr. Speaker, if that's in order.

However, I can assure this House that although the exact figures were not totally verified by ministry officials because of the granting of the exemption, the actual net taxable value to which tax would have applied would not have been anywhere close to the figure mentioned by the hon. member. I believe this may be obvious, in view of the escalation of land values that occurred in the months immediately prior to the introduction of the tax in April, 1974, and during which the land in question was held by Ronto.

Mr. Bullbrook: How did they know about it? You didn't calculate your loss.

Hon. Mr. Davis: We are going to eliminate the whole thing.

TILE DRAINAGE LOANS

Hon. W. Newman: Mr. Speaker, I am pleased to inform the members that the government will be making $18 million available to municipalities for tile drainage loans in the 1977-78 fiscal year. The interest rate will be the same as it was this year—six per cent.

Early in December I will be sending letters to the municipalities informing them of the amount that will be made available. The amount each municipality will receive is being calculated on a pro rata basis covering its borrowing for the previous three years. For the purposes of this calculation, the figure being used for the current year is the amount a municipality would have borrowed had the government restraint programme not affected the total amount available. A small part of the $18 million will be set aside in a special fund for those municipalities that have not made tile drainage loans in the past three years.

Throughout the year, Mr. Speaker, we will be reviewing these allocations and adjusting them, so that if some municipalities do not need their full allocation the money can be made available to those that need more.

For example, this year we monitored the funds in the tile drainage programme and found that about eight per cent of the budget —approximately $1.3 million—would not have been spent. These funds were then reallocated to municipalities requiring additional funds. We will follow the same procedure in 1977-78.

The importance of tile drainage is well recognized. It is one of the most effective single means of increasing crop yields.

I might point out, Mr. Speaker, that this is an ongoing programme and in the last three years ending March, 1977, the government will have made $45.5 million available for municipalities to lend to farmers.

POINT OF PRIVILEGE

Mr. Riddell: Mr. Speaker, before the oral questions, I wonder if I could rise on a point of privilege?

At 10 this morning, sir, I was called by a Mr. Don Southcott, indicating that he was going to hold a press conference in the buildings here at 11:45, and I was asked to be at that press conference.

I went down to the press conference at 11:45, and although the Minister without Portfolio (Mr. Henderson) gave a very brief introduction, he turned the press conference over to Mr. Don Southcott to explain his involvement in the transfer of Severn Park to the town of Grand Bend and the township of Bosanquet. Now I am wondering, Mr. Speaker, if the member is not abusing his privileges by setting up a conference—

Interjections.

Hon. Mr. Bernier: You were embarrassed.

Mr. Riddell: —by setting up a press conference for one who is no longer involved in the government? Granted, he is still a member of the Conservative Party.

Mr. Cassidy: It's like Darwin Kealey, Mr. Speaker.

Mr. Speaker: Order please.

Hon. Mr. Bernier: Mr. Speaker, on a—

Mr. Bullbrook: Sit down, the Speaker is on his feet.

Mr. Speaker: I am not familiar with the names of the gentlemen you mentioned except, of course, the one who is an hon. member of the House. I am not sure whether we have a point of privilege here. It doesn't seem so to me but I will take it under advisement and if so, I will so advise the member in the House.

Hon. Mr. Bernier: On a point of privilege, I think the members of the Legislature should be made aware of the fact that the hon. member who just made a comment made a statement in the Legislature Tuesday afternoon that in the transfer of certain public lands to another public body in the Grand Bend area, certain political overtones were involved.

Mr. S. Smith: He asked a question.

Hon. Mr. Bernier: He made accusations—

Interjections.

Mr. Speaker: Order, please.

Hon. Mr. Bernier: —regarding a certain individual, a Mr. Don Southcott, indicating that there was political hanky-panky. This morning at 10 o'clock, Mr. Don Southcott was here as a citizen of this province to defend himself and to clarify that there was nothing of the kind and nothing wrong. He should be given that right.

Interjections.

Mr. Speaker: Order. I think I have made the only comment which is appropriate for me at this present time.

Mr. Lewis: I'll be bringing Cliff Pilkey in tomorrow, Mr. Speaker.

Hon. Mr. Davis: I'm sure you've met before. He lets his views be known.

Mr. Lewis: I agree. And you can hear him for miles around.

Mr. Speaker: Oral questions.

LAND SPECULATION TAX EXEMPTION

Mr. Lewis: May I ask the Minister of Revenue, first, an opening question: Has there ever been any other specific exemption granted, under extenuating circumstances or otherwise, which was granted apart from the provisions within the Act? Is this the sole instance in which a particular exemption was granted outside the provisions that exist within the Act?

Hon. Mr. Meen: Mr. Speaker, I think the answer to that question is "Yes, it is the only one. No, there have been no others." But I would want to check that one. It certainly is the only one that comes to my recollection at the present time.

Mr. S. Smith: I have a supplementary; I intended to put it during my own question time, Mr. Speaker. Can the minister confirm that what he was basically saying about this particular exemption is that the main reason this was given was that there was an intention on the part of the company—of which one of the principals died—to go ahead and develop the land, and that was considered the main reason for actually exempting them from a tax which is on the statute books?

Hon. Mr. Meen: Mr. Speaker, I have indicated that there was a body of reasoning and it wasn't related to one item only. Certainly, one ingredient in all of this was that the company had not been speculating. They were in the course of developing the land for residential accommodation and had every expectation that they would have reached that in a short while. Had this exemption not been granted there was every expectation that goal of further housing in the market would not have been accomplished or would have been significantly delayed.

Mr. Makarchuk: A supplementary.

Mr. S. Smith: A supplementary.

Mr. Speaker: I think we will allow the member for Hamilton West with his second supplementary, but—

Mr. Bullbrook: I have a supplementary, I believe.

Mr. Speaker: Well in the first place, the original question had to do with further examples, so if there really is a supplementary, I believe it would be better if the hon. member for Hamilton West would save it for his leadoff questions on that subject because it was his original question. I am sure he will want to pursue it further.

Let me see now—did we have an answer to that? I think we had better have this supplementary. The member for Brantford.

Mr. Makarchuk: To the same minister. Is the minister aware that implied in his statement was the assumption that Wimpey bailed out Ronto? Is the minister aware that there were other buyers for that property and—

Mr. Speaker: Order, please.

Mr. Makarchuk: —the property was sold to the highest buyer?

Mr. Speaker: Order, please. For the same reason, that is not a supplementary to this particular question.

Mr. Bullbrook: May I attempt one?

Mr. Speaker: Yes. The hon. member for Sarnia.

Mr. Bullbrook: Based on the original question which had to do with any other development of this policy, I understand that the minister's two bedposts for coming to his conclusion were: One, the intention to develop; and two, the need for liquidity. Since when has it become a policy of this or any other government that the taxpayer's need for liquidity is a consideration in granting an exemption?

Mr. Speaker: Order please, this would be related more to another question, which I'm sure some member will ask later.

Mr. Eakins: Let him try it.

Mr. Speaker: If we could stick to this particular question at this time, you'll have the opportunity later.

[2:30]

HYDRO NIAGARA ESCARPMENT LEASE

Mr. Lewis: A question, if I may, of the Minister of Energy: How is it that Ontario Hydro leased 700 acres of its land which it holds in the Niagara Escarpment to the Rose Community Development Company—I think the principal is one Peter Lush—for the purposes of a major development on that land, that is to say a golf course at the minimum, without once consulting with either the Beaver Valley community and the Beaver Valley official plan, or the Niagara Escarpment Commission?

Hon. Mr. Timbrell: Mr. Speaker, I'm not familiar with the individual named by the member. I'm aware there was a lease arrangement entered into recently. I will check into more of the background as to what contacts were made. So far as I know, the firm referred to approached Hydro, months or a year or two ago, to express an interest in leasing the property to further develop its recreational programmes. I'll get more information on it and report back.

Mr. Sargent: The minister must be aware that over the years Hydro has spent many hundreds of thousands of dollars in developing that whole area. Why does the need to help Mr. Lush out supersede the needs of Hydro?

Mr. Davidson: Because he's a Tory.

Hon. Mr. Timbrell: Mr. Speaker, the property in question is one which Ontario Hydro has held for a great many years and at this point has no plans whatsoever to develop. As I said in answer to the original question from the member for Scarborough West, the particular firm in question approached Hydro a long time ago—I really don't know how long ago; I know it's months if not years—and indicated an interest in leasing it, and since it is at the present time surplus to Hydro's needs, Hydro did consider the lease proposal and did execute an agreement.

Mr. Sargent: Why weren't the local officials notified?

Mr. Lewis: I have a further supplementary, which I would appreciate the minister checking into. Could he find out why Hydro entered into this extraordinary leasing arrangement—$1 an acre a year, I think, for 700 acres—when in fact there was a motion on January 18, 1973, from the Beaver Valley Planning Board, that no private development be allowed on these lands, and at no time was the advice of the Niagara Escarpment Commission sought, whose authority and obligation it is to protect those public lands from private use without at least advance consultation with the communities involved?

Hon. Mr. Timbrell: Mr. Speaker, I'll certainly look into that, and I think one of the points I'll be looking for is whether that resolution to which the member refers in 1973, had to do with residential development, the development of permanent buildings, or whether it referred to any kind of development. As I understand the project, it is, in fact, recreation related in terms of cross-country skiing, golf course and so forth.

I must point out, and if the member is not aware of this I should tell him, that it is the policy of Ontario Hydro to lease Hydro right of way land to municipalities, for instance, for $1 a year, where those municipali-

ties wish to use the land for recreational purposes. In fact, the first time that was done was in the riding of Don Mills when I was the alderman for that area and negotiated the deal on behalf of the council.

Mr. Warner: Naturally.

Mr. Cassidy: Look at you now.

Hon. Mr. Timbrell: That's $1 a year for any amount of land that the municipality will take over for recreational purposes. So it's not that unusual.

Mr. Cunningham: You guys are really something, you really are.

Mr. McKessock: Mr. Speaker, is it not true that if this land isn't rented to the municipality and is rented to a private enterprise it is the procedure to put it up for tender?

Hon. Mr. Timbrell: Mr. Speaker, the land isn't for sale.

Mr. Sweeney: Tender for lease.

Hon. Mr. Timbrell: Again, I'll get all the background information, but from what I know at this point, Hydro had no plans whatsoever to sell or to lease the land; it was just sitting on it, if you will. They were approached and asked to consider and, in fact, I understand—

Mr. Davidson: That is why your government is sitting on it.

Hon. Mr. Timbrell: —they did an internal appraisal as to its worth for an annual rent and the amount that was offered was in excess of what Hydro's own people advised was a reasonable annual rent.

Mr. Lewis: Supplementary: Perhaps the minister will be able to tell us then how he responds to the letters which the Beaver Valley Planning Board agreed to send urgently last night to him and his colleagues, the Minister of Natural Resources and the Minister of Industry and Tourism, to find out why, when that was never the intended use of this land from Hydro's original acquisition of it, all of this proceeded without any consultation with the Niagara Escarpment Commission or the local planning authorities. I don't know how Hydro gets away with it, but would the minister please look at it in that context?

Hon. Mr. Timbrell: First of all I want to find out whether in fact that is correct that there has been no consultation. I think along with that, though, one must find out whether there is a requirement—when you are not talking about permanent buildings; when you are talking about recreational land and keeping land in, if you will, an open category of use—whether there is a requirement on them to do so.

Mr. Lewis: It is an official plan.

MINIMUM WAGE

Mr. Lewis: A question, if I may, of the Minister of Labour: Can the Minister of Labour clarify the government's policy intentions in respect of reducing the minimum wage for those who are receiving tips in certain parts of the hotel and restaurant industry?

Hon. B. Stephenson: Mr. Speaker, I can simply state that the government's intention is no such reduction.

Mr. Cassidy: Bennett goes down the drain again. Too bad, Claude, you've been ditched once more.

Mr. Lewis: May I, by way of supplementary, on behalf of my caucus, thank the Minister of Labour for tightening the knot in Claude Bennett's tie.

Hon. Mr. Bennett: It feels very comfortable.

Mr. Lewis: You will find you can breathe easier, Claude, when it is loose.

Hon. Mr. Bennett: I have always breathed easier when you are asking questions, Stephen.

Mr. Lewis: I am having trouble reading my notes.

Hon. B. Stephenson: Get some glasses.

Mr. Lewis: Yes, I will.

GSW-CGE MERGER

Mr. Lewis: My last question of the Minister of Labour: Has she entered into negotiations over the workers who are losing their jobs in Fergus around the question of retraining—it is the General Steel Wares plant, I believe—since so much of the work force consists of people over 50 years of age?

Hon. B. Stephenson: Mr. Speaker, I had inquired of the staff in my ministry the precise information about the programme which is going forward, because I am informed that the development of a joint employment ad-

justment committee for that purpose is being considered. I shall clarify that and report to the House.

LAND SPECULATION TAX EXEMPTION

Mr. S. Smith: Mr. Speaker, a question of the Minister of Revenue: First of all, since it seems to be a fact that his officials did not even calculate the actual tax that would have been payable and did not actually verify the valuation that was put on the land by Ronto, is the minister now prepared to accept that this whole matter should be looked at by the public accounts committee? If not, will he accept some other form of inquiry such as a judicial or other form of public inquiry into this matter?

Hon. Mr. Meen: Mr. Speaker, the first thing I suppose I have to repeat for the benefit of the member for Hamilton West is that once cabinet has decided that an exemption from the tax is appropriate, then there is no point in going through an audit procedure to check the figures submitted by the applicants.

Mr. Bullbrook: You don't care what you lose.

Hon. Mr. Davis: You people are going to eliminate the whole tax.

Mr. S. Smith: That would have been fairer than just eliminating it for your friends.

Hon. Mr. Meen: Certainly, they did give us some figures so that we would have an idea of what we were talking about.

Interjections.

Mr. Speaker: Order, please. The hon. minister is answering the question.

Mr. S. Smith: The Premier provoked me.

Mr. Speaker: May I say in response, I was referring to all interruptions.

Hon. Mr. Meen: Had cabinet decided that exemptions from the tax was not an appropriate avenue to follow, then of course we would have carefully examined and checked the figures to determine the amount exigible. I have no objection to the figures, to the extent that they can be made public, being made public. I have done so.

Mr. Sargent: How much did the bag man get?

Hon. Mr. Meen: I have no objection to the Provincial Auditor examining these accounts in due course, when he is doing his accounting for what will be the fiscal year ended March 31, 1977.

Mr. Nixon: The whole thing should be examined.

Hon. Mr. Meen: But it does strike me as foolish and a needless waste of effort to put him or any other body through an exercise of checking out calculations at this time, when of course the exemption has been granted. I think we can be proud of the fact we have some flexibility built into this statute and that we can, where it is desirable and in the public interest, make sure that the statute does not operate to the detriment of the public.

Mr. Cassidy: That is absolute balderdash.

Mr. S. Smith: You are going to lose on this one.

By way of supplementary: Since I understood the minister to say the houses would not have been built by Wimpey and the deal would not have gone through unless Ronto had been given this exemption, and that this was one of the pressing reasons for the exemption having been granted, can the minister please explain to this House why Wimpey, or any other buyer for that matter, would give a hoot whether or not Ronto, from whom it was buying the land, would owe a certain amount of tax to the provincial government? What difference could it possibly have made to Wimpey or any other buyer in this particular deal, and how could that possibly be used as a justification for exempting this much in the way of land speculation tax?

Hon. Mr. Davis: You've got to be kidding.

Hon. Mr. Meen: The two aspects of this are completely different. In Wimpey's case, it is a non-resident contractor, developer and builder, and it applied to us for an exemption under the appropriate provisions of The Land Transfer Tax Act—nothing to do with the land speculation tax exemption subsequently granted to Ronto.

Mr. S. Smith: We're not arguing that at the moment.

Mr. Speaker, the question is simply this: Since the two main reasons the minister gave were, first, that Ronto intended to build on the land, and second, that the minister didn't want to delay or impede the possibility of houses appearing there, why would the company that eventually built—it turns out to be Wimpey; it might have been any

other buyer—care a hoot whether or not Ronto was in for some taxes to have to pay the provincial government? Why wouldn't it have gone ahead and bought the property anyway and built the houses? Why would the minister say it was going to impede the houses?

Hon. Mr. Meen: Mr. Speaker, the total transaction was on the basis of a purchase price that Wimpey was prepared to pay.

Mr. Bullbrook: How do you know that?

Mr. S. Smith: They told you that, I guess. A little bird told you that. You know what they were prepared to pay.

Hon. Mr. Meen: So therefore, the exemption under The Land Speculation Tax Act was there as part of the consideration which the Ronto organization would have to take into consideration. It was not prepared to sell at a price that would reflect the payment of tax and Wimpey was not prepared to purchase at that exalted, reflected price.

Mr. S. Smith: You know what was in Wimpey's mind?

Hon. Mr. Davis: Ask any of your colleagues who know anything about it.

Mr. Speaker: Order, please.

Hon. Mr. Meen: Even if it had been, it's obvious enough that that additional cost would have been reflected further in due course in the sale price of the houses produced and sold by Wimpey.

Mr. S. Smith: There is no market any more in this province, eh? The market doesn't determine price any more?

Mr. Makarchuk: Supplementary: Can the minister indicate why Ronto was granted a tax remission of $677,000, supposedly for farming the land, when the land was in fact being farmed by the original owner?

Mr. Speaker: Order, please. I believe that's a different question. It's an appropriate question for later.

Mr. Renwick: Could I ask the minister what role his ministry played in working out the arrangements between Wimpey and Ronto, in order that Ronto could meet a serious liquidity-cum-tax problem and Wimpey, on the other hand, could obtain the land with the benefit of the exemption and, therefore, presumably at a lower price? What was the role of the government with respect to the reasons given by the minister for permitting this exemption to take place?

[2:45]

Hon. Mr. Meen: So far as I am aware, my ministry played no role in bringing the parties together or in their negotiation of the transaction. The picture was presented to my officials as a conditional agreement between the parties, as I understand it, which agreement would be consummated only in the event of the remission of any attraction of land speculation tax.

Mr. Good: They held you up to blackmail.

Hon. Mr. Meen: From Wimpey's standpoint the deferral under The Land Transfer Tax Act—

Mr. Singer: They both came together, did they?

Hon. Mr. Meen: —since they were prepared to undertake to construct and sell accommodation within a specific period of time, would also be part of the transaction.

Mr. S. Smith: How do you know there wasn't another buyer who would have paid more?

Mr. Lewis: Do you mean they both came together to blackmail the government as a tax rebate?

Mr. Speaker: Order, please.

Mr. Nixon: I wonder if the minister could clarify his answer to the question from my leader. Is he opposing the motion that may come before the House a few minutes from now—that is a request from the public accounts committee to look into this matter thoroughly—when the purchase price paid by Ronto was less than $1.5 million, and a bit more than a year later they received $12 million for this property, even though they are supposed to have put an increased value up to $6 million on it? Is the minister indicating the Provincial Auditor should look into this, when the cabinet, by order in council, has indicated that he should have nothing to do with it all?

Hon. Mr. Meen: I have already answered that question.

Mr. Lewis: Supplementary: Did I hear the minister right? Did he say simply Ronto and Wimpey had a conditional agreement which they submitted to his officials, the essential condition being that if the remission of the tax didn't go through the transaction wouldn't

occur, therefore driving the government into a position of capitulation to the demands of these two corporate concerns?

Mr. S. Smith: How do know somebody else wouldn't have paid more?

Hon. Mr. Meen: I did not put it in that fashion. The agreement was submitted to my officials, as I understand it, as an application by or on behalf of Ronto, simply saying to us, "Here, look, we have worked out this agreement with Wimpey, conditional upon our—and we are prepared to work out the agreement and complete the agreement with them provided we do not attract land speculation tax."

Mr. Bullbrook: So you were involved.

Mr. Nixon: Wasn't $10 million enough for them?

Mr. Speaker: Final supplementary.

Mr. Bullbrook: I want to reiterate the question I put before. Is the minister serious in his statement that he and his cabinet colleagues took into consideration the need for liquidity of the Todgham estate in assessing the exemption? And does the minister recognize the type of condition precedent that he is establishing here; that, in effect, taxpayers can tell the government they need liquidity to seek out an exemption? What possible justification is there for that?

Hon. Mr. Meen: I think perhaps that aspect of the statement should be clarified—

Mr. Bullbrook: Yes, it should be.

Hon. Mr. Meen: There is certainly no intention to try to bail out a company because it is in an illiquid position.

Mr. Bullbrook: But that is what you said in your statement.

Hon. Mr. Meen: No, I am saying that—

Mr. Bullbrook: No? Read your statement.

Hon. Mr. Meen: No, I am saying that Ron Todgham's estate required to be settled. He was no longer there as chairman of Ronto. Ronto itself was in an illiquid position as a result of having to settle up with the Todgham estate.

Mr. Sargent: Quit flogging that.

Hon. Mr. Meen: In that position they were unable to continue with the financing of the construction and installation of the services. Therefore, because of that illiquidity they were going to be unable to bring these serviced lots on the market.

Mr. S. Smith: I have a new question, but on the same topic, for the Minister of Revenue. Do I understand that the minister is now establishing a precedent—and I wish he would correct me on this—whereby, for example, if a taxpayer intends to gift certain of his assets to members of his family to avoid succession duties, and he actually were to die before he completed the transaction, the minister would be prepared to exempt him from such succession duties? Has this become a new principle because he intended to gift members of his family, for example? The fact that they intended to build on this surely does not exempt the middle man who made this kind of profit from paying land speculation tax?

Interjection.

Mr. Speaker: Order, please.

Hon. Mr. Meen: For one thing, the hon. member is importing this kind of principle into another piece of legislation, namely The Succession Duty Act.

Mr. Nixon: You are the minister there too.

Interjection.

Hon. Mr. Meen: I would say that with respect to The Land Speculation Tax Act we are looking at actual acts and steps which they had taken in several cases in their course toward getting these lots on the market as serviced lots. There is not just a matter of intention. There is a matter of action that they have taken in any number of ways, from draft approvals right through the letting of tenders for the installation of services.

Mr. S. Smith: If I die with a pen in my hand I am still not going to be exempted, and you know it.

Mr. Speaker: Order, please.

Hon. Mr. Meen: Let me just remind the hon. members that one of the principles of The Land Speculation Tax Act is that we get a write-up in value in the case of the death of the holder of real estate, and this, in effect, was one of the principles that found itself in this case. The plan which was going forward was potentially frustrated by the death of their principal. Consequently, we had to look at that as another element along with all of the other factors.

Mr. Cassidy: Supplementary: Is the minister satisfied that the full benefit of the

remission of tax from the ministry was passed on to Wimpey, or did some of it accrue in extra profits in Ronto?

Mr. Speaker: Order, please. This new question had nothing to do with Wimpey. It was a general question about exemption of tax of some kind or other having to do with the settling of an estate. It didn't refer to Wimpey.

Mr. Cassidy: The second part of it was relevant.

Mr. Speaker: Okay, we'll hear the supplementary.

Mr. Cassidy: Is there now a precedent that, where two companies that are unrelated reach a conditional agreement about the transfer of property, they will also be eligible for remission from the ministry from the land speculation tax?

Hon. Mr. Meen: Very simply, no.

Mr. Cassidy: We don't believe you.

Mr. Speaker: Order, please. May I just point out we have spent about 12, 13 or 14 minutes on this particular question. I'm sure the hon. Leader of the Opposition (Mr. Lewis) has further questions. We'll hear a final supplementary from the member for Wilson Heights.

Mr. Singer: I wonder if the minister has established a precedent that anyone who intends to develop is entitled to get an exemption for his vendor on the basis of this theory now enunciated? How then can he draw the distinction?

Hon. Mr. Meen: Again very simply, no.

Mr. S. Smith: I sincerely apologize for the time, Mr. Speaker, but this is an important issue, as I'm sure you'll agree.

Mr. Speaker: I understand.

OHTB BUS LICENCE

Mr. S. Smith: A question of the Minister of Transportation and Communications: Has the government had any involvement in and, if not, will the cabinet in fact overturn the decision of the Ontario Highway Transport Board to permit some American-controlled private bus lines to operate in competition with the publicly-owned Gray Coach, owned by TTC, on certain profitable lines presently being operated by Gray Coach?

Hon. Mr. Snow: First of all, any company or any individual has the right to make an application to the Ontario Highway Transport Board for operating rights under either The Public Vehicles Act or The Public Commercial Vehicles Act. Certain applications were made some months ago to the Highway Transport Board, hearings were established and hearings were held. To be very specific, relating to what I believe was the first part of the hon. member's question, he asked did I or did the government have any involvement with the Highway Transport Board.

Mr. S. Smith: And if not, will they overturn the decision?

Hon. Mr. Snow: May I say that I did not have any discussion with the chairman or any member of the board. I cannot speak for anyone else. As the minister responsible for the Highway Transport Board, I do not discuss cases before the board with the chairman or with any member of the board.

Mr. Conway: Did the Minister without Portfolio (Mr. Henderson) hear that?

Hon. Mr. Snow: The decision was made and was rendered, I believe, on Monday of this week by the chairman of the board after very long and extensive hearings that were held some several months ago. I believe the hearings went on for some seven days.

Regarding the other part of the hon. member's question, to my knowledge there has been no appeal made to cabinet under the terms of The Public Vehicles Act, that parties can make an appeal to the Lieutenant Governor in Council of the decision handed down by the board. Of course if this appeal should be made, it will be dealt with in the normal manner by the cabinet committee and eventually by full cabinet. I do not know whether there will be an appeal or not.

Mr. S. Smith: Supplementary: If such an appeal does arrive before the Lieutenant Governor in Council from Gray Coach, as it appears it will, can the minister give us some assurance that he will not permit the publicly-owned Gray Coach to end up costing the taxpayers money by taking away its only profitable runs and putting them into the hands of United States private bus interests?

Interjection.

Hon. Mr. Snow: Mr. Speaker, as I say, Gray Coach, like any other company, has an obligation under its licence to supply service.

The criteria, when applying for a licence under The Public Vehicles Act, or The PCV Act, are based on public need, necessity and convenience—I believe it says—to the travelling public. As I understand it, during the hearings a great many witnesses appeared before the board giving evidence as to the service or lack of service. It was on hearing seven days of testimony, as I stated, that the board came to the decision that it did.

Now whether Gray Coach is owned publicly or by the TTC, I don't think it releases them from an obligation to live up to the terms of their licence or to supply service. The decision, I believe, was made by the board after fully considering the evidence presented at seven days of hearings.

Mr. Philip: A supplementary: Admitting the seriousness of the minister's interfering with a decision of the board, can the minister tell us whether he has developed any kind of criteria by which to judge when an intervention can be made or should be made by the ministry in a decision of the board?

Hon. Mr. Snow: No, Mr. Speaker. I have no criteria as to that and I don't believe, necessarily, that I should interfere with a decision of the board. The board issues a decision and—granted, the Act says the minister may issue the operating licence on the certificate of the board. The certificate, as I understand it, has been issued by the board. There's provision, as I said before, in the Act for any party to the action to make an appeal to the Lieutenant Governor in Council. Whether or not that will happen, I do not know.

Mr. S. Smith: A final question to the Premier arising from the answer given by the Minister of Transportation and Communication: The Premier undoubtedly heard the minister say that the minister himself did not intervene before this board. Given, however, that the counsel for the American companies which were applying for these routes are rather well-connected to the party in power, can the Premier tell us whether any member of his government other than the minister himself, appeared or had a part in the decision which the Ontario Highway Transport Board has made? Will he assure us that he will overturn this decision and keep Gray Coach a profitable operation?

Hon. Mr. Davis: Mr. Speaker, I don't want to be provocative—

Mr. Conway: Did you get rid of "the eagle" last night?

Hon. Mr. Davis: —but as I understand the perhaps implied suggestion in the member for Hamilton West's question—I would like some clarification and I'm being very specific in this clarification—

Mr. Conway: As circuitous as possible.

Hon. Mr. Davis: —is the hon. member suggesting that some member of the government did, in fact—

Mr. S. Smith: I am asking.

Hon. Mr. Davis: When he asks, he is by implication suggesting that a member of the government did contact the transport board.

Mr. S. Smith: Just answer the question.

Mr. Nixon: Why don't you answer the question?

Mr. Speaker: Order, please.

Hon. Mr. Davis: The answer to that is very simply no.

Interjections.

Hon. Mr. Davis: That's fine, but the member should be a little careful how he phrases those questions.

Mr. S. Smith: Don't lecture me. Just answer the question.

Hon. Mr. Davis: You people have gone down that road before.

Interjections.

Hon. Mr. Davis: What was the next question?

Mr. S. Smith: You are a bit touchy today, aren't you?

Hon. Mr. Davis: I'm just trying to help you a little bit.

Mr. Speaker: Order, please. Order.

Mr. S. Smith: Is the Premier going to overturn it and keep Gray Coach profitable?

[3:00]

Hon. Mr. Davis: Mr. Speaker, if the hon. member for Hamilton West is asking me, as head of the executive council, to say that if there is an appeal, before knowing the facts and seeing what the basis for the appeal is, I will commit myself in this Legislature, even prior to the launching of the appeal; then I say that if the members for Wilson Heights (Mr. Singer), and Sarnia (Mr. Bullbrook) and elsewhere, even the member for Kitchener

(Mr. Breithaupt)—could give this member any advice whatsoever, they would tell him that would be totally improper and I have no intention of giving such commitment until an appeal, in fact, is launched with cabinet. They are shocked at his suggestion.

Mr. Good: What's government policy?

An hon. member: Tell it to Lorne.

Mr. Bullbrook: We are shocked at his statement.

Hon. Mr. Snow: Mr. Speaker, if I may, on a point of clarification, the hon. member for Hamilton West has referred many times during his questions to "this American company." I would like to point out that to the best of my knowledge Greyhound Coach Lines Limited and its subsidiaries are federally chartered Canadian companies, and I believe are owned approximately 40 per cent by Canadians.

Mr. S. Smith: I said American controlled.

Hon. Mr. Snow: You said American owned.

Mr. Speaker: The hon. Provincial Secretary for Social Development has the answer to a question asked previously.

SPECIAL EDUCATION GRANT

Hon. Mrs. Birch: Thank you, Mr. Speaker. On Monday, November 22, the leader of the third party asked my colleague, the Minister of Education (Mr. Wells), about a grant to the Ontario Foundation for the Visually Impaired. It is my pleasure to notify him that statutory grants of $13,000 will be provided by the Ministry of Health, and $12,000 will be provided by the Ministry of Education, a total of $25,000, for the establishment of a developmental programme for blind children at the High Park Forest School here in Toronto.

HYDRO RATES

Mr. MacDonald: A question of the Minister of Energy: Since we are within five weeks of the new year, is the minister in a position to indicate whether the government and/or Hydro have come to a decision with regard to the bulk power rates for 1977?

Hon. Mr. Timbrell: As the hon. member knows, after the Energy Board reported, the board of Ontario Hydro indicated that it would accept that. The government had not yet decided whether it will intervene in the process.

Mr. MacDonald: Is the government giving any consideration to providing the short-term cash flow needs of Hydro so that it might smooth the rates and reduce the burden during this period of wage restraints over the next year?

Hon. Mr. Timbrell: Mr. Speaker, I didn't quite catch the full question, but I think the member was asking if we are looking at the question of smoothing. I think I indicated in the House at the time the Energy Board report was considered by the House that that obviously is an option that's open, although it does have certain implications in terms of additional borrowings, particularly in 1977, and does have the implication of making electricity rates in 1979 higher than they would be otherwise.

Mr. Lewis: Supplementary: Why is the minister not prepared just to say that it looks as though he is going to bring that Hydro rate increase down and he will have a specific date on which he'll announce it.

Hon. Mr. Timbrell: There are a number of things the government wants to consider, not the least of them being the projections of capital availability, of course. We also wanted to see how this would work out with some of the commissions, and it's interesting to note that some of the commissions are projecting that if the 30.3 per cent bulk power rate increase were, in fact, to go ahead for 1977, local rates to residential consumers would go up by as little as 20 per cent. I say "as little"; that's relative to the 30 per cent increase in bulk power rates.

Mr. Foulds: Some of them are projected much higher.

Mr. Peterson: Supplementary: Has the minister considered sending this increase to the AIB for approval, since there is precedent for sending electrical energy rate increases to the AIB? Has he considered that option?

Hon. Mr. Timbrell: The officials of Ontario Hydro met with officials of the Anti-Inflation Board yesterday, and according to the Anti-Inflation Board a 30.5 per cent rate increase would be justified.

Interjections.

Mr. Lewis: I'm surprised they hadn't asked you to increase it.

SEVERN PARK DEVELOPMENT

Mr. Riddell: Mr. Speaker, a question of the Minister of Natural Resources: Being that I was asked to attend the conference here in this building, conducted by a land developer from Grand Bend by the name of Don Southcott and attended by the Minister without Portfolio (Mr. Henderson), I would like to ask the minister what both the Minister without Portfolio's and Mr. Southcott's involvement were in his decision to turn Severn Park over to the town of Grand Bend, considering that at an earlier date he turned down the request, saying that the park was too far removed from Grand Bend to suit the needs of the people for a recreational complex?

Hon. Mr. Bernier: Mr. Speaker, I gather the hon. member for Huron-Middlesex is smarting because of my earlier comments.

Mr. Nixon: No.

Interjections.

Mr. Speaker: Order, please. Can we get on with the answer? Thank you.

Interjections.

Mr. Speaker: Order.

Hon. Mr. Bernier: I think he owes the gentleman, Mr. Southcott, a public apology.

Mr. Speaker: Order, please. I cannot hear the answer.

Mr. Ruston: What's the apology for?

Mr. Breithaupt: For what? For asking a question in the House?

Hon. Mr. Bernier: I want to repeat that, a public apology.

Interjections.

Hon. Mr. Bernier: Be a man and apologize to that individual.

Mr. Conway: Where's Darwin Kealey?

Hon. Mr. Bernier: He should apologize.

Mr. Breithaupt: For what?

Mr. Speaker: Order, please.

Hon. Mr. Bernier: He knows.

Interjections.

Hon. Mr. Bernier: He tried to destroy an individual.

Interjections.

Hon. Mr. Bernier: Mr. Speaker, in answer to that particular question, I do believe the hon. member has misused his privilege as a member of this Legislature.

Interjections.

Hon. Mr. Bernier: The hon. Minister without Portfolio brought to me a strong delegation of which a certain individual in the person of Don Southcott was part. They presented me with a brief, a very detailed brief.

Mr. Nixon: So he was down to see you, was he?

Hon. Mr. Bernier: Yes, accompanied by members of the Chamber of Commerce, the Lions Club, very responsible and respectable people from the municipality of Grand Bend—

Mr. S. Smith: Conservatives.

Mr. Cassidy: You guys are feathering your own nests.

Mr. Speaker: Order, please.

Hon. Mr. Bernier: —who are anxious for the development of a recreational facility following their examination of other areas in the immediate area of Grand Bend.

Mr. Cassidy: Kealey, Southcott.

Hon. Mr. Bernier: It was obvious to me, on a further review of that particular brief, that it made good sense to provide this particular facility, which was surplus to my ministry, to that particular municipality for the development of a recreation facility which would benefit the entire area. I've gone over the proposal and I am satisfied.

Mr. Cassidy: A supplementary.

Mr. Speaker: Order, please. Obviously there was not desire to hear the answer so why ask it?

Mr. Nixon: I would like to ask a supplementary.

Mr. Speaker: Order, please. The hon. member for Brant-Oxford-Norfolk.

Mr. Nixon: Why wasn't that done before if it looks so good now that Mr. Southcott has come down with a delegation?

Hon. Mr. Bernier: The previous member asked for an answer and I just gave it, Mr. Speaker.

Mr. Nixon: No, he didn't, Mr. Speaker.

Mr. Speaker: Order, please.

Mr. Nixon: The minister didn't tell us why he turned it down before.

Mr. Speaker: Order, please.

HURONIA REGIONAL CENTRE

Mr. G. E. Smith: I have a question of the Minister of Community and Social Services concerning the Willard report. In view of the problems that some local citizens in my area have experienced with some residents of the adult rehabilitation centre at Edgar, will the minister consider applying the recommendations of the Willard report to this facility as well?

Hon. Mr. Taylor: In response to that, I think there are a number of the recommendations which have equal applicability—

Mr. Conway: Not quite. Get the marbles out of your mouth.

Hon. Mr. Taylor: —or application—is that all right?

Interjections.

Mr. Breithaupt: It's your turn next Monday.

Interjections.

Mr. Speaker: The hon. minister, please.

Hon. Mr. Taylor: May I say initially how much I truly appreciate the involvement of my colleague. He has certainly been a tower of strength to me—

Mr. Breithaupt: Words fail you.

Hon. Mr. Taylor: —in working out problems in his riding insofar as they apply to the centre at Orillia. I may say that my ministry is currently working with the Ministry of Health in terms of defining three units which could function under The Mental Health Act; and of course there is also the one that is recommended at our facility at Penetang, which I think would accommodate the problem that concerns the member. That is being proceeded with now.

Mr. Warner: Why don't you just resign?

Interjections.

Mr. Cassidy: Supplementary, Mr. Speaker.

Mr. Speaker: I think we just have time for one final question.

SERVICES DE SANTE EN LANGUE FRANCAISE

Mr. Samis: J'aimerais poser une question au ministre de la Santé. Est-ce qu'il peut nous dire quelle priorité il accorde au rapport du Comité d'Action concernant les services en français dans le domaine de la santé et quand la population francophone d'Ontario peut s'attendre à ce que des mesures soient prises conformément aux recommandations de ce comité?

I might add, Mr. Speaker, if my Molière is proven incomprehensible, I've provided translation in the language of Shakespeare for the hon. minister.

Hon. F. S. Miller: Dès qu'il m'a donné la question, je n'ai pas ma réponse écrite comme lui-même mais mon avis, je vais donner la première priorité à ce rapport et je discutais hier avec mon sous-ministre et j'espère que j'aurai une réponse dans deux mois.

Mr. Nixon: Thank you, Mr. Diefenbaker.

Mr. Speaker: The oral question period has expired.

Interjections.

POINT OF PRIVILEGE

Mr. Riddell: Mr. Speaker, may I rise on a point of privilege? When I was expressing the concerns of the people in Bosanquet township in the question I directed to the Minister of Natural Resources, in his answer he said that I was misusing my privileges here in the House. I believe I was not misusing my privileges and I think that if he is man enough he will apologize.

Hon. Mr. Bernier: Mr. Speaker, I will be glad to apologize, if the hon. member will apologize to Mr. Southcott.

Interjections.

Mr. Speaker: Order, please.

Petitions.

Interjections.

Mr. Speaker: Can we proceed to the next order?

Presenting reports.

REPORTS

Hon. F. S. Miller presented the annual reports of the Ontario Mental Health Founda-

tion for the years 1973-74, 1974-75 and 1975-76; the annual reports of the Clarke Institute of Psychiatry for the years 1972, 1973, 1974 and 1975; the annual reports for the Ontario Cancer Treatment and Research Foundation for the years 1971, 1972, 1973 and 1974; and the annual reports of the Alcoholism and Drug Addiction Research Foundation for the year of 1975.

Mr. Germa from the standing public accounts committee presented the committee's report which was read as follows:

Your committee recommends:

That it be empowered to examine the sale in May, 1976 of 280 acres of land from Ronto Development Company of Willowdale to George Wimpey (Canada) Limited of Waterloo; and further that a complete record of all expenditures and disbursements in this transaction be provided to your committee.

Mr. Speaker: Shall this report be adopted?

Hon. Mr. Welch: In rising to speak to this particular motion, I'd like to make one or two observations. We will support this motion but we do so without establishing a precedent.

Mr. Nixon: How can you do that?

Mr. Speaker: Order, please.

Mr. Nixon: You either support it or you don't.

Hon. Mr. Welch: The hon. member who has just interjected will realize if he would give me an opportunity to express some observations here, that we find in this particular motion which is being submitted today and in the one a week ago some obvious deviation from what has become the established and traditional role of the public accounts committee, that is—

Mr. Sargent: It is all going to be changed.

Mr. Speaker: Order, please.

[3:15]

Hon. Mr. Welch: —that is to examine the audited public accounts of the province of Ontario, which is their responsibility. I am suggesting that if we are by these particular motions being asked to review the role of the public accounts committee that perhaps it would be wise for us to openly have a discussion in this House about the role of the public accounts committee.

I would feel that the public of this province are looking to the public accounts committee and this Legislature to study the public accounts. There is a matter of time and energy and if we are going to be expecting this particular committee to go on specific assignments such as these and they become more numerous, what committee in the House is going to study the public accounts? It would be a fairly practical question I think that we might want to give some consideration to.

Mr. Nixon: There is a gap in the accounts.

Hon. Mr. Welch: So I would think under the circumstances that we would—

Mr. Nixon: They are studying a revenue gap.

Hon. Mr. Welch: —be very reluctant to stand in the way of this motion going through because we feel that this matter, in view of the question period and so on, is one which should be completely reviewed, but we would not want the opportunity to go by without raising some very serious questions and inviting some discussion at some later time as to the actual role that we see for the public accounts committee.

Mr. Germa: I am sure, Mr. Speaker, you understand that the motion presented was the will of the public accounts committee—the majority will at the public accounts committee. I feel that precedent is not really being established because I do recall on three previous occasions when the public accounts committee, charged with dealing with certain expenditures of the province of Ontario, found that they were dealing with history while contemporary items of high public import are happening in the community.

For the benefit of the House leader, in my term of public accounts, which goes back some several years, I think there has been a rethinking of the public accounts role in the whole sphere of examining government expenditures. I think there is a public demand that those issues which are current, which are of high public import, have reason to be looked at now rather than delayed 18 months hence when the public is no longer interested, or maybe the horse is out of the barn and we are coming to close the door at a later date.

Hon. Mr. Welch: There is a 45-minute question period every day here too.

Mr. Germa: That point was also raised in our deliberations at public accounts that the question had been asked—this particular question we are dealing with—on two previous occasions and satisfactory answers were not

forthcoming for the past two weeks. Now whether knowledge of this motion today motivated the Minister of Revenue (Mr. Meen) to make the statement, I cannot say. Maybe the statement was coming. But I suspect that maybe knowledge of this motion coming before the House might have expedited his statement.

Mr. MacDonald: Just a coincidence.

Mr. S. Smith: He told me Monday.

Mr. Germa: I will give him the benefit of the doubt and I will say it was coincidental.

Mr. S. Smith: I just want to say that I have had a little bit of experience in this regard in the federal House inasmuch as I acted as executive assistant to a member who was chairman of the public accounts committee and a very distinguished one. I think the House leader for the government does make a reasonable point when he says that it is usually the nature of the public accounts committee to look at the audited statements of the government, rather than to be a watchdog over day to day expenditures. There are other ways to do this.

However, I think we could stretch the meaning of it to accommodate this and if it does mean we have to change the function of the committee, well, so be it. Personally, what I would prefer would be some assurance from the government that perhaps a provincial judge or some other suitable person be empowered to conduct a separate private inquiry with wide public input concerning the whole Ronto matter, in which case we don't have to burden the public accounts with this. But since the government apparently is unwilling to do this, then I feel we ought to take the second best, which is admittedly perhaps a weak position, that is to use the public accounts committee.

In passing may I just say that the Minister of Revenue indicated to me very carefully at the beginning of this week that he did have a statement ready and I certainly will give him that credit. I am sure he restrained himself from giving the statement when the mini-budget was presented and he waited for a suitable occasion and I have no objection to that particular matter.

If you will give us another form of inquiry, Mr. House Leader, believe me we would be just as happy not to burden the public accounts committee with it. But the government can't have it both ways.

Hon. Mr. Meen: There are just a couple of points I would like to make, and they really touch on the matter of the delivery today. I have had the statement ready since Monday in a somewhat longer form than it was as delivered today. I told the hon. member for Hamilton West (Mr. S. Smith) that I hoped I would have it ready by Tuesday. Then, of course, as he has already indicated, we had the lengthy statements on Tuesday, which occupied most of an hour. It was for that reason it was left over to today; it wasn't any matter of the action of the public accounts committee this morning that precipitated it, although I must say that I was glad I was ready with the statement today.

My only other observation, expressed earlier as a misgiving about referring it to the public accounts committee, is along the same lines as expressed by my House leader, namely that one begins to wonder, what is the public accounts committee supposed to be doing with its time? We have nothing to hide, and I am quite content to have this matter dealt with by the public accounts committee if that is their wish. I take it from the motion passed by them today, and the recommendation now before the House, that that is their wish. Certainly we will co-operate to the fullest extent we can within the law.

Mr. Makarchuk: As the member of the public accounts committee who initially moved the motion, I welcome the Conservative House leader's statement to discuss the functions of the public accounts committee. I think there has to be some line drawn between bona fide investigations of public spending and going out on witch hunts or sort of far-fetched fishing expeditions. I think we probably will have to sit down somewhere and try to work out those rules. But I would like to point out that in this case this is the first year that the public accounts committee has had an opportunity not to be dominated by government members and to go out to examine some of the things that I think have to be examined.

In this particular case, one of the things that concerned me a great deal was the statement made by an official in the ministry to the effect that the statement that was filed by Ronto with the government was not audited. In other words, the minister accepted the statement at its face value. He didn't question it, and he left it at that. That really concerned me, outside of the fact that there is a difference in terms of the selling price and the purchase price of $10 million—the minister's figure indicates the difference should be only $6 million—the fact that there were certain remissions granted and so on.

I think these are the kind of things that cannot be fully answered or fully investigated during the question period. The only agency in the House that is able to do it, in my opinion, is the public accounts committee; hence, my request in the public accounts committee this morning that it should look at this particular transaction.

Mr. Reid: I rise to speak on this motion as a former chairman of the public accounts committee and to support the motion. It has been indicated that this is a new departure, but during the year and a half that I was chairman the committee dealt with the matter in regard to the Ontario Northland Railway; we got special permission from the House, and we had information that was as up to date as we could make it. The matter had been raised in public accounts, and it was a historical thing, but the House allowed us the privilege of also getting the reports from the internal auditors to bring us right up to date.

The point has been raised here—I believe it has to be discussed, and the sooner the better—as to what role the public accounts committee should play. Admittedly, we are waiting for the examination of the new Audit Act from the federal government to see how our Auditor should operate in the province of Ontario. But it goes without saying that the public accounts committee is the only committee that has the ability to call before it, in any great detail, civil servants and people from the deputy minister up or down, whichever one prefers, to deal with specific problems that have been pointed out and recognized by the Auditor in the province of Ontario.

I think that finally, and only finally in my nine years here, are we beginning to see the public accounts committee function as the investigative body, with the time it should have. I would like to see particular people be seconded to the public accounts to do investigative work and be able to report back to the public accounts committee. I think this is the one committee that has the ability. We don't have that ability in question period—ministers can refuse to answer questions. We only have the 45 minutes, which increasingly is being taken up by the leaders' questions. We don't have that ability in the estimates, because we don't always have the people there, and because of the length of time we have for the estimates. The public accounts committee is the only vehicle we have in the provincial Legislature in which we can get at the background, the history, the details and have the people in front of us.

I support the motion. I would hope that the government will take some action in expanding the role of the public accounts committee.

Mr. Peterson: Mr. Speaker, if I may, everybody's been very charitable today, but having been sitting on that committee I'm just a trifle more cynical, because the government members in committee this morning argued very strongly that this thing should not be brought to the House today, and, if my recollection is correct, they all voted against bringing it here. What we are facing today, I respectfully submit, is the fact that the government would be defeated on this particular motion if they did not support it, because they did not support it in committee this morning.

I think it's a very interesting exercise in the sense that we now have an opportunity to deal with something as it is happening, or at least with some proximity in time to the actual taking place of events, just as we are doing in the case of Minaki Lodge. I personally think this is an excellent way to approach some of these critical problems. The harsh reality is that in the public accounts committee the figures are stale, we're a year or a year and a half after the fact in reviewing all of these things, and I must say I'm very encouraged to hear the government House leader saying he is prepared to look at new ways for the functioning of the public accounts committee.

We did discuss this at the end of our committee meeting today, and there was a considerable amount of unanimity, in the very casual way that we discussed it this morning, that maybe we should be looking for new roles, that we should be looking for a way to act quickly on issues, rather than leaving them just to the post audit function.

There's one other thing that I want to say. As I said before, the reason it's on the floor here today is because the two opposition parties would gang up if the government did not agree. The question is if a majority government ever comes around in this province again—and one never knows about these things—I think that we should be looking at this bill and the new rules of this committee in terms that the opposition parties, even in a majority situation, should have the ability to discuss some of these kinds of issues, because it would be very easy for a strong government to prevent these kinds of issues from being brought forward. In my mind they're very important, in my mind it's a wonderful opportunity to act quickly, rather

than latterly, and I think the realities of the situation have forced the government to support this motion. I'm happy for that, and I hope there's a quick and expeditious solution to this problem. Thank you, Mr. Speaker.

Mr. Renwick: Mr. Speaker, I wasn't going to participate in the debate, but some of the comments which have been made caused me an immense amount of concern. I would be very loath to see the public accounts committee provided with an investigative staff, where, on its own initiative, it went out and started to investigate questions with respect to the public finance of the province of Ontario. I just happen to think that one must realize that the stability of any society in its capacity to adapt and make itself accommodating to change rests a great deal upon the confidence that people have in the financial integrity of the system under which it operates; and to provide for this assembly an investigative staff to the public accounts committee so that they could go out on their own and make investigations and bring it back to the committee seems to me to be extremely destructive in its intent, without further explanation from the member for London Centre (Mr. Peterson).

Mr. Singer: Is he through, or is he fatigued?

Mr. Renwick: I want to speak very briefly about the Ronto case; not to make any comment about the merit or otherwise of that particular case, but I want to express the concern which I expressed to members of our own caucus when this matter was being discussed. I think that the—

[3:30]

Mr. Speaker: Order, please. We're really discussing the matter of whether we'll adopt this report or not, so you had better keep to it.

Mr. Renwick: Mr. Speaker, if I may use the Ronto case as something called an example—if I could perhaps use it as an example to illustrate the point—the problem that has arisen and has been dealt with in a very intelligent way by the government and by the other two parties in the House is to recognize that there are occasions when the gap between the time when estimates are approved for expenditures by the government and the time when the results of those expenditures are examined does not always permit us to say we can allow that interval to take place.

I think it would be essential—and I, of course, have confidence in the members of the public accounts committee in any particular circumstance to exercise the proper judgement—that they've got to be satisfied that there is somehing which, as a lawyer, I would call a prima facie case that requires public discussion and further public disclosure in order to provide additional stability to the financial system or financial integrity of the province. I can well see that that would be necessary.

I would have hoped that we could have, without having a debate about the role of the public accounts, moved to that kind of an attitude without in any way saying that the public accounts can't do both—that there might well be occasions when their collective judgement on a particular matter says this requires discussion by public accounts because there's no other forum and we can't wait the length of time until we get the audited report.

But in view of the comments which have been made, particularly the blunt point made by the member for London Centre and to an extent, in a more facile way, referred to by the member for Rainy River (Mr. Reid), the former chairman of public accounts, I recognize now that I think it would be essential that consideration be given to the role and the scope of the public accounts committee. I, for one, would not in any way want to see the public accounts committee be transformed into some kind of a congressional investigative committee which appears to have a great deal of appeal to the member for Rainy River and the member for London Centre.

I would assume that it may well make sense for the public accounts committee to give a little bit of consideration itself so that we don't just talk about it in a vacuum. Perhaps at a convenient time in the early stages of the next session, should the pressures of the election campaign permit, we would have an opportunity then to reflect upon this matter and it may be that the House could consider giving authority to the public accounts committee, if authority is necessary, to sit on occasion when the House is not in session, to think a little bit, not about the specifics of its work but about its role in this changing circumstance. Then we would have the benefit of their consideration when we came to discuss it perhaps early in the next session.

Mr. Bullbrook: It wouldn't work in a majority government.

Mr. Sargent: I think that it's a sad day when the House leader implies that if we get

too investigative, if we don't follow the rules as in years gone by, maybe he might investigate the public accounts committee.

Hon. Mr. Welch: I didn't say that.

Mr. Sargent: The fact is that over the years we've had a majority government here—and now for the first time we have a meaningful committee that can ask questions to get information and we have the votes to get that information with the permission of the House.

It's amusing to see the panic situation now with the government members looking for bodies to protect themselves. The member for Mississauga East (Mr. Gregory) and the member for St. Andrew-St. Patrick (Mr. Grossman) are going to have ulcers if they continue to go through this motion of hunting for votes all the time every issue comes up.

I think to be meaningful we have to have the right somewhere along the line, as the member for Rainy River has stated, to have investigative research for the committee at times. That'll come.

Hon. Mr. Welch: Never. We had to run around to find you guys this morning to vote.

Mr. Sargent: We were well staffed. We had all the votes we needed there.

Mr. Nixon: If you weren't here Arthur Meen wouldn't know how to vote.

Mr. Speaker: Order please. The member is telling us whether or not he's going to support this particular motion.

Mr. Sargent: To listen to the government members, they say we can get the information we want from, No. 1, the question period—that's the biggest joke in the world—and No. 2, we can put it on the order paper. Ask any member of the opposition who has tried to get answers by having something on the order paper.

Mr. Ruston: It would take you two years there.

Mr. Sargent: The fact remains that, for once, we can shed some light on what is going on in Queen's Park. I think every citizen of Ontario will welcome the fact that from now on we can get to the bottom and see what the hell is going on. Thank you.

Mr. Singer: I agree generally with the principles being enunciated on all sides of the House, but I don't think the resolution that is presently before the House goes anywhere near to satisfying what the members believe should be forthcoming. I would invite you, sir, to look at the wording of the resolution. It says that the public accounts committee be empowered to examine the sale from Ronto to Wimpey and that a record of all the disbursements and expenditures be provided to the committee.

By whom is it going to be provided? These are not government expenditures. These are not government disbursements. Is the committee being asked to look through the books of Wimpey and to look through the books of Ronto and figure out what went on? I think this is really an exercise in futility and that if anyone wants to stall what the members of the House want to get at, this kind of a motion will appropriately do it.

One comment made by the Minister of Revenue caught my fancy. He said, well, in due course the Auditor will be reporting. I wonder just what the Auditor is going to report on. Surely the Auditor is not going to report on an exercise of cabinet discretion? I would think that he is barred from doing that. If he can't report on an exercise of cabinet discretion, what is there in the books that he can look at? There are no revenues. There is no indebtedness. There are no exigible amounts. So the Auditor really isn't going to find anything. He can thumb through the books until he is exhausted, as is the member for Riverdale (Mr. Renwick) and he is going to find absolutely nothing there to report upon at all.

Mr. Bullbrook: That's right.

Mr. Singer: I think if this motion is going to be reasonable at all, an amendment should be added to it to put some teeth into it. I take the Minister of Revenue at his word when he said, "I want to co-operate fully with the House so that this information can all be brought forward." That's what he said, and he said that just a few minutes ago. In order to assist him, sir—

Hon. Mr. Meen: Excuse me. On a point of order, Mr. Speaker, I added, "to the maximum extent permitted by the law."

Mr. Singer: All right, all right. I know, Mr. Speaker, and I would attribute no motive to my friend at all that he would not want to do anything that was illegal.

Mr. Nixon: I'm glad he made that clear.

Mr. Singer: In the amendment that I'm putting forward I would not suggest that the Minister of Revenue do anything that's illegal, and that he only do what is provided by the law.

Mr. Singer moved that the following words be added to the committee's recommendation.

And that the Minister of Revenue supply to the committee all documents that were filed in connection with the applications for exemption made herein, and that the appropriate officials of the Ministry of Revenue attend at the committee for the purpose of giving evidence in relation to these matters.

Mr. Singer: It would seem to me, sir, that with this clarification added to the motion as an amendment the public accounts committee then will be able to conduct the kind of inquiry that members from all sides of the House say they want to have conducted.

Hon. Mr. Meen: Mr. Speaker, before you put the motion, I feel bound to observe that here again there are certain provisions in The Land Speculation Tax Act with respect to the production of some of this information. I'm prepared to provide to the committee anything that may be produced within the context of the law. But the Act has certain provisions in it, and I must abide by those provisions. The motion put by the hon. member for Wilson Heights—I keep wanting to come back to Downsview for some reason—I suspect and I feel goes beyond that. If he would care to amend that motion by the addition of words, "to the maximum extent provided by the law," or words to that effect, then I could support the motion.

Hon. Mr. Welch: Members can't expect the minister to break the law.

Mr. Singer: Mr. Speaker, on a point of order, I am prepared to adopt those words because I don't know how I could move a motion in this House that is contrary to the law. The words are redundant, but if it will make the minister happy I will be glad to add them to my amendment.

Mr. Germa: On the amendment, as chairman of the committee I had assumed without the amendment that this was what was really going to transpire because the committee in the past has had the power to command officials of the ministry to come before it and bring with them certain documents and evidence. So I see no difficulty with the amendment. I would further like to say that when we are getting into the legal grounds it has been the custom in the past of the committee to obtain legal opinion from the Ministry of the Attorney General. They have co-operated quite well with us, even as early as just one week ago. A legal opinion was supplied to us by the Ministry of the Attorney General as it relates to supplying the committee with information from OHIP, which is now precluded under section 44 of The Health Insurance Act, the secrecy part of the Act. It was never the intention of the committee to demand those things which would offend any law.

Mr. Grossman: Mr. Speaker, before you call the vote, I wanted to make some comments on the entire discussion as it developed over the last 15 or 20 minutes. As my friend, the member for London Centre was saying, the debate—he wasn't saying this—this afternoon for a short time had a little surrealistic quality about it, ignoring what in fact has been going on at the public accounts committee over the last several weeks. A lot of members of the government party on that committee have looked at the issues as they have come before us.

I wanted to tell you, Mr. Speaker, that in spite of the fact that last week several government members on the sum and substance in the merits of the issue before us last week, which also involved going to the current account, supported the motion at the committee—

Mr. Makarchuk: But you didn't; you voted against it.

Mr. Grossman: That's quite right. Last week several government members did, because they felt that that issue was timely and appropriate. This week, this morning in fact, none of the government members went along with the motion.

Mr. Wildman: I wonder why?

Mr. Grossman: I want to tell members why. If whoever said that he was listening this morning I am used to interruptions because at public accounts—

Mr. Deans: Why are we listening to this? It has absolutely no consequency to the matter before the House.

Mr. Grossman: It absolutely does. What is going on at public accounts—

Mr. Deans: On a point of order.

Mr. Speaker: Order, please. The hon mem has a point of order.

Mr. Deans: I don't care what the member for St. Andrew-St. Patrick (Mr. Grossman) raised. On a point of order, the reason the member chose to vote one way or another in the public accounts committee last week is of no consequence with regard to whether

or not this House should or should not adopt this motion before us.

Mr. Bullbrook: Why not?

Mr. Speaker: The debate today is whether or not we shall adopt this motion as amended.

Mr. Deans: Nobody wants to know what he did last week.

Mr. Speaker: I believe the hon. member is in order in what he is saying.

[3:45]

Mr. Grossman: Thank you, Mr. Speaker. The reason a lot of us express reservations, in spite of the predictable bleatings of the opposition plus Sargent on this issue, was not in order to have a—

Interjections.

Mr. Speaker: Order, please. We do not refer to an hon. member by his name in this House.

Mr. Grossman: The opposition members plus the member for Grey-Bruce (Mr. Sargent)—

Mr. Singer: It's unparliamentary.

Mr. Grossman: We've been sitting in the public accounts committee for several weeks listening to totally irrational outbursts, in essence saying what the member for Brantford (Mr. Makarchuk) said a few minutes ago. That is, that now the opposition has momentary control, in terms of votes on the committee, we're going to forget everything which has happened before and each Thursday morning, I might add without notice to the committee, we are going to jump into whatever we feel like talking about this morning, which is of political convenience to the opposition majority on the committee.

Some of the government members on that committee are a little tired of facing the charge that because we want to—

Mr. Nixon: You mean there might be some embarrassment to the government?

Interjections.

Mr. Speaker: Order, please. Can we get on with this debate?

Mr. Grossman: Because we want to continue the order by study of the public accounts for 1974-75, which is what we were appointed to the committee to do, somehow we are involved in a coverup for the government.

Mr. Sargent: Sure you are.

Mr. Grossman: Out of respect for the members of the government party on that committee, who supported the motion last week, that's entirely unfair. I'm not speaking about myself because I opposed last week's witch hunt as well as this week's.

Mr. Breithaupt: Do you think there's a witch hunt?

Mr. Speaker: Order, please.

Mr. Grossman: It is entirely unfair to say my colleagues on the committee are involved in that sort of thing.

Mr. Reid: You have convinced me to vote for the motion.

Mr. Speaker: Order, please.

Mr. Grossman: I took a lot of time at the committee last week and this week to say—and I want to say it right now because it is very germane to the motion—

Mr. Singer: He is imputing motives.

Mr. Grossman: I'm not imputing them, I'll state them. I went on that committee, like other members of the committee did, not only with the public accounts book in hand but with a carefully drawn up agenda as well. It was drawn up by all of the committee last spring when we first met, setting out the dates, the orders and the items we were going to deal with out of the public accounts—essentially those items out of the public accounts which were of interest to the opposition members on the committee. That's how we got under way here.

What happened over the summer break was that suddenly, when the member for Grey-Bruce decided to start coming to the committee and full attendance by the NDP members started to occur, they began to see they could get away from the agenda. They could get away from the carefully set out order of business and go with what was politically advantageous for them for the time being.

Mr. Breaugh: Let him rock the boat.

Mr. Speaker: Order, please.

Mr. Grossman: Mr. Speaker, what happened subsequently was that the ordinary conduct of business, which had been carried

on as the public accounts committee has historically done, was disrupted. Granted not all the members of the committee but those of us who actually read the items and studied the items prior to the meetings each Thursday morning, would arrive on Thursday morning and find a new motion had been brought up. It was not in writing, not with notice to the members of the committee, but a new item was brought up, saying, as in the case last week, "This morning we've decided to ask for a study of Minaki Lodge." This morning the item was the land speculation tax issue. There was no notice to the members of the committee.

Mr. Sargent: Those things are embarrassing to you. That's what you are saying.

Mr. Grossman: What we are saying is we had an orderly flow of business in the public accounts committee.

Mr. Nixon: You have got jugulars bleeding all over.

Mr. Speaker: Order, please.

Mr. Grossman: It worked very well with a minority government in the spring, too. What's happened in the fall is that a conscious decision has been taken to move for the jugular at every point in time without notice to the other members of the committee.

The reason I want to speak on this motion and address myself to the remarks of the government House leader, who says this matter has to be determined one way or another in this House, is because that's exactly what I said in committee this morning.

Mr. Peterson: He supports it.

Mr. Singer: No more jugulars.

Mr. Grossman: I said in committee this morning that rather than banging this thing into the House this afternoon, perhaps these matters should be brought to the attention of the assembly to decide what the public accounts committee should be doing each and every week and whether or not we have an open ticket to study the current accounts henceforth. Calm members such as the member for Fort William (Mr. Angus) actually accused us of getting involved in a gross abuse and flouting of the parliamentary process. That's how hyper they are about a simple request to come to this assembly and say to the assembly, "At least tell me what we are going to be entitled to do each Thursday morning." I am getting tired each Thursday morning of arguing—

Interjections.

Mr. Grossman: —over the propriety of going into current accounts. I would like the issue resolved once and for all by this assembly. Just tell me that I am on the public accounts committee—

Interjections.

Mr. Grossman: —or the current witch-hunt accounts committee. I just want to know so I will know whether to bring my books down from the 1974-75 public accounts or not.

Mr. Breithaupt: Or your broom.

Mr. Grossman: That's why we want it done in this assembly once and for all, then we will know what we are about.

Interjections.

Mr. Grossman: Some members opposite, including the former chairman of the committee, have made some very good points about the role of the committee and the role of another committee. Perhaps these are items which should be dealt with by the Camp commission or by the assembly, but let's have that discussion in the proper forum for that determination, not in an ad hoc fight every Thursday morning in committee and every Thursday afternoon in the assembly.

I can't conclude my remarks without referring to a remark made by the member for Grey-Bruce when he talked about my colleague and me scrambling around for votes. This morning they embarrassed their very good member, the member for Victoria-Haliburton (Mr. Eakins). They dragged him into the committee for a total of 20 or 25 seconds. He sat down, raised his hand on instructions from the member for Grey-Bruce, and left the committee.

Interjections.

Mr. Grossman: That's the type of thing that's going on at the public accounts committee and that's the type of behaviour, together with the behaviour of the member for High Park-Swansea (Mr. Ziemba) when he went over and told the member for Grey-Bruce, "Eddie, get the rest of our members in." That's what he told him this morning, and then the member for Victoria-Haliburton showed up.

Interjections.

Mr. Grossman: That's the type of thing that's going on in public accounts and that's why this assembly has got to decide what we are doing in public accounts.

Mr. Sargent: On a point of order.

Mr. Speaker: Order, please. The hon. member has a point of order.

Mr. Sargent: The member for Victoria-Haliburton isn't even on the committee. You are wandering a bit.

Mr. Grossman: Well—

Mr. Sargent: Stutter again.

Mr. Grossman: I will tell you this, Mr. Speaker, if he isn't, then perhaps we had better reconvene the committee and have a vote again on the issue that's before the House. Perhaps the issue would have been lost, because the member did vote, the chairman of the committee permitted him to vote, and therefore perhaps we had better call the proceedings that ensued this afternoon entirely under question.

Mr. Sargent: Foiled you again.

Mr. Grossman: I want to conclude by saying what's going on at the committee is nothing more than a total panic situation. We at least succeeded this morning, I believe, in imposing upon the chairman some sort of undertaking to be kind enough at least to speak to the members of his own caucus and let us other fellows know perhaps an hour or so before the committee when they intend to pull one of these 1977 witch hunts on us.

Let's determine what public accounts does; that's what we want to see happen.

Mr. Singer: Is everybody mean to you?

Mr. Grossman: For those reasons I heartily support the motion of the House leader. I must say the government members and the House leader have done everything they can, in the ridiculous situation we are in in that committee, to make the committee work as best as possible under the witch hunts that are going on every Thursday morning.

Mr. Makarchuk: Mr. Speaker, I wish to make a few comments, particularly on the comments from the tired member for St. Andrew-St. Patrick. In the first place, I can't understand why he should be tired. He is never in the committee on time.

Mr. Grossman: I show up every week.

Mr. Speaker: Order, please. Let's get on with the debate on this particular item.

Mr. Grossman: I didn't know the member for Brantford was a member.

Mr. Speaker: Order, please. I would point out that the hon. member has spoken on the main motion. Now he is speaking on the amendment.

Mr. Makarchuk: One of the points brought out, and which was discussed this morning, was the fact that the committee should receive a notice of motion or some notice of such character to notify the members of the government, particularly, to be there in order that they can do their best to try to prevent it from going through—as was the effort this morning and certainly was the effort last week. I would like to enter into the record at this time an opinion that was solicited by the chairman of the committee on this matter—

Mr. Nixon: It has nothing to do with the amendment.

Mr. Speaker: Order, please. The amendment, if I might just remind the hon. members, has to do with the supplying to the committee of all documents that are legal to be supplied to the committee. The hon. member spoke on his reasons for supporting or otherwise the original amendment—

Mr. Makarchuk: Yes, I—

Mr. Nixon. You can't speak twice on the same motion.

Mr. Speaker: Order, please. The hon. member may speak on this matter of supplying the documents which were mentioned in the amendment.

Mr. Makarchuk: Absolutely, Mr. Speaker. I will be right on it, exactly as the member for St. Andrew-St. Patrick was.

Interjection.

Mr. Makarchuk: One of the points raised in terms of defining the deal, and having the right documents and the people to explain the documents, is that the member for St. Andrew-St. Patrick pointed out that he did not have notice.

Interjections.

Mr. Makarchuk: It has been checked out with the Clerk of the House, and the Clerk has given an opinion to the effect—and I will read the last paragraph of the letter—

Mr. Speaker: Order, please.

Mr. Makarchuk: "It has never been the practice"—

Mr. Speaker: Order, please.

Mr. Makarchuk: —"to require notice of motions in standing or select committees"—

Mr. Speaker: Order, please.

Mr. Makarchuk: —"and I am of the opinion that for once the committee—"

Mr. Speaker: Order, please. I believe the hon. member heard my admonition a moment ago. The hon. member has already spoken once to the main motion, and I think he should not be repeating his remarks on that. He should stick to the amendment. The hon. member for St. Andrew-St. Patrick hadn't spoken on either the motion or the amendment; so he was in order. The hon. member for Brantford should be addressing himself to the supply of these extra documents.

Mr. Makarchuk: I rise to speak in support of the amendment. I think it is a very necessary amendment in this case. I also wish to point out that again the committee has the right to do what it did this morning, despite what some members of this House like to say. If I may continue, this will give the committee an opportunity, as I said earlier, to do some of the things it has never been able to do before. When we are dealing with public funding and with taxpayers' money, I think it is of a very low order to call it a witch hunt when one wants to bring about some rather reasonable and sensible spending of the public—

Mr. Speaker: Order, please. I think the hon. member has made his point.

Mr. Breithaup: I am pleased to enter into this debate on the motion, particularly because of the involvement which I have had on the public accounts committee. I might call to the attention of the House that it was only in 1967 that an opposition member was given the chairmanship of this committee—

Hon. Mr. Meen: Now who would that be?

Mr. Breithaupt: —and the first person to serve was Mr. James Trotter, formerly the member for Parkdale. I had the privilege of serving for the next five years as chairman of the committee—

Hon. Mr. Welch: During majority government too.

Mr. Breithaupt: —and I think that during that time we at least were able to bring about quite a change in the approach that was taken by the committee.

Hon. Mr. Meen: That was our first mistake.

Mr. Breithaupt: As a result of the Auditor's reports which came forward, the committee was able to encourage the Provincial Auditor to make certain value judgements and to support him in the review of various expenditures as he saw problems arising and which, in his opinion, had not been thoroughly replied to by the ministry. It would appear now that the next stage of the operation of the public accounts committee is before the House; that is, whether it should have some investigative function and whether it should have some more positive effect in discussing issues of the day rather than issues that are 18 months or so old.

Mr. Speaker: May I point out that I believe it was indicated that would be a subject for future discussion, not for this afternoon?

Mr. Breithaupt: Yes, Mr. Speaker. In my remarks I only wanted to suggest to the House that we must very carefully review what the duties of this committee are to be. We have seen in the motion brought before us that there are certain matters from time to time which are going to cause the House to vote, as I believe it will vote today, in support of the motion so that we can deal with a certain issue of the day as it may be important to the people of the province.

The rules of various committees are being reconsidered by the House, and I do agree with the comments made by the House leader of the government that the role of the public accounts committee is obviously changing. It is, in my view, changing for the better. As part of the whole review of the operations of the House, the staffing and the other contributions which the public accounts committee can make are things which I think are going to be of great use to us as we go into a new session.

I certainly support this motion, and I hope that the result of it will be a useful investigation into an issue which I believe concerns all members of the House.

[4:00]

Mr. Speaker: Can we confine our remarks to this particular motion and its amendments? Thank you, very much. I mean, not the general comment about the overall function of the public accounts committee.

Mr. Nixon: Don't say anything, you are going to be out of order.

Mr. Deans: Thank you very much, I appreciate your comment.

I was particularly interested in the bleatings of the member for St. Andrew-St. Patrick. I want to remind you, Mr. Speaker, that many a day in this House there were times, over the last nine years, when I would dearly loved to have had the vote taken on the basis of the numbers of members present, rather than the numbers of members that could and will be present at the time the vote is finally taken. We would have won a lot of votes in days gone by under those conditions.

I want to say also, with regard to the matter before us, that there's no doubt that this is a departure from the way that the public accounts committee had operated in years gone by. But then it's always very difficult to imagine whether what they did in the years of large majorities was suitable and adequate, over and against what now is happening at a time when there is more proportionate representation with regard to the feelings of the people of the province of Ontario.

I also want to say, in answer to the member for St. Andrew-St. Patrick, that the chairman of the public accounts committee—and I think perhaps he may be aware of this, maybe not—but the chairman of the public accounts committee did make inquiries with regard to whether it would be necessary or appropriate for notice to be given of a motion intended to be put before the committee. In a written reply, dated November 25, over the signature of the Clerk of the House, I read to you the final paragraph.

It says: "It has never been the practice to require notice of motion in standing or select committees, and I am of the opinion that for one committee to pass a motion for such a requirement in that committee only it would constitute a change in the normal procedure, which could properly only be made by an amendment to the standing order."

Mr. Grossman: Mr. Speaker, a point of personal privilege.

Mr. Deans: Are you up again?

Mr. Grossman: Yes.

Mr. Speaker: The hon. member for St. Andrew-St. Patrick.

Interjections.

Mr. Speaker: Order, please.

Mr. Grossman: Mr. Speaker, I want to clarify this, lest the member is left with the impression that I said the chairman of the committee had not acted properly. I never said that or suggested that he had not acted properly. I simply said that in the circumstances there was nothing terribly surprising —I mean, if the other members of the committee didn't think of it at 10 to 10 this morning they might let us know in the ordinary course, as a courtesy—

Mr. Reid: You acted in a surprising manner, not in an improper one.

Mr. Singer: He's on a bleating witch hunt.

Mr. Speaker: Order, please. Could we base our discussion now completely on this motion? There has been a lot of strain, and we'll get into that—

Mr. Deans: That is in fact what I'm doing.

Mr. Speaker: May I just point out that there's a lot of discussion here this afternoon on the general question of the procedures and activities and possible future activities of the public accounts committee and that is not really what we're dealing with today. We're dealing with this specific motion; we're either for it or against it, and you may state your reasons why. Thank you.

Mr. Deans: Well, I'm for it. And I assume the member for St. Andrew-St. Patrick is for it too—

Hon. Mr. Welch: Next?

Mr. Givens: He changed his mind.

Mr. Nixon: The Minister of Revenue (Mr. Meen) is for it.

Mr. Givens: He changed his mind.

Mr. Deans: —since the government is voting with us. I want to tell you I'm for it because the statement made by the Minister of Revenue today convinced me that the standing accounts committee ought to review the matter. I felt that the statement made by the Minister of Revenue was clear and concise, and raised a sufficient number of questions in my mind about the appropriateness of the actions of the government, that it seems only proper that a committee of this Legislature should be empowered to review it and I think that we in this Legislature should, therefore, empower the public accounts committee to undertake that investigation.

Mr. Speaker: Mr. Germa, from the standing public accounts committee presented the committee's report, which read as follows:

"Your committee recommends that it be empowered to examine the sale in May, 1976, of 280 acres of land from Ronto Development Company of Willowdale to George Wimpey

(Canada) Limited of Waterloo. And, further, that a complete record of all expenditures and disbursements in the transaction be provided to your committee."

And then we had Mr. Singer's amendment adding the words: "That the Minister of Revenue supply to the committee all documents to the extent as provided by law"—are those words appropriate?

Mr. Singer: "To the extent as provided by law" goes in at the end. At the end of the whole thing.

Mr. Speaker: I'm sure the Clerk or somebody will readjust the language as it's all written here—"that were filed in connection with the applications for exemption made herein, and that the appropriate officials of the Ministry of Revenue attend for the purpose of giving evidence in relation to these matters."

Report, as amended, adopted.

Mr. Nixon: A point of order, Mr. Speaker, the House leader in his remarks said that as far as he was concerned this could not be a precedent. Does that make sense to you, sir?

Mr. Speaker: Well, I'm not going to answer that.

Hon. Mr. Welch: I was entitled to my own view.

Mr. Nixon: On the point of order, I would just like to say, sir, that from my point it is a precedent and it should be and it must be, and whatever the House leader of the government says about it does not change that fact. I just wanted to be sure you understood that fact.

Mr. Speaker: I've heard and understood everything, I think—

Hon. Mr. Welch: You have been around here long enough. Was it in the motion?

Mr. Speaker: —and I also recall that there was a suggestion that this particular matter be debated later.

Mr. Breaugh, in the absence of Mr. Lawlor, from the standing administration of justice committee presented the committee's report which was read as follows and adopted:

Your committee requests permission to sit concurrently with the House for its consideration of Bill 97, The Credit Unions Act, 1976.

Hon. Mr. Welch: We will support this, Mr. Speaker.

Mr. Johnson, in the absence of Mr. McNeil, from the standing resources development committee reported the following resolution:

Resolved: That supply in the following amount to defray the expenses of the Resources Development Policy Field be granted Her Majesty for the fiscal year ending March 31, 1977:

Resources Development Policy

Resources Development Policy Programme $3,374,000

Mr. Speaker: Motions.

Introduction of bills.

Hon. Mr. Welch: Mr. Speaker, before the orders of the day I wish to table the answers to questions 65 and 111 standing on the notice paper. (See appendix, page 5061.)

Mr. Speaker: Orders of the day.

FARM INCOME STABILIZATION ACT
(continued)

Resumption of the adjourned debate on the motion for second reading of Bill 131, An Act respecting Farm Income Stabilization.

Hon. Mr. Welch: Mr. Speaker, before we continue this debate, I thought perhaps we would indicate that it's our understanding that we would hope to wind up this bill sometime this evening, with a vote around 10 o'clock.

Mr. Speaker: When we were last speaking on this bill, the member for Durham East had the floor. He may continue.

Mr. Moffatt: Thank you, Mr. Speaker. I wish to take part in this debate, not that I think we will be able to put a great many new facts before the House which were not raised either in the debate last spring or during yesterday's debate, but I do want to draw to the House's attention some significant things that, to my way of thinking, are really important about this particular bill.

The first thing I would like to comment upon is the fact that last year, before the Minister of Agriculture and Food (Mr. W. Newman) was Minister of Agriculture and Food, just shortly after the election, he was attending the world international ploughing match—which, by the way, was in my riding, Mr. Speaker, and in case people are convinced that no members over here represent ridings which have a substantial farm community and are interested in the development of agriculture, I want to put that at rest.

Anyway, the member, who was soon to be minister, was making a lot of noise at that particular time about this whole foolish idea of farm income stabilization as being proposed by the NDP, and particularly the member for York South (Mr. MacDonald), and the foolishness of the plan as it existed in British Columbia at that time, and there was no way, if he had any say in it, that that kind of policy was going to be implemented in the province of Ontario. It would kill agriculture, it would ruin the farm community, it would do everything that the minister believed wrong about the kind of legislation that we have talked about today.

Oddly enough, this complete about-face was brought about shortly after he became Minister of Agriculture and Food, and as a result of the debate last spring, in which his bill at that time was returned to him as being deficient, his stance since then has been one of reluctant compliance with the wishes of this House, reluctance to bring forth the kind of policy which was directed in the reasoned amendment proposed by the member for York South.

Indeed, what ensued was a fiasco where the minister attempted to set up a dialogue with rural Ontario through the aborted telephone network. I attended one of those meetings, the one they held in Markham, and I can tell you quite honestly, Mr. Speaker, that the minister's comments at that point were so garbled and so meaningless to everybody there that the person from the Ministry of Agriculture who was chairing the meeting had to read the prepared text so that we could understand. A translation, if you will, was provided of the minister's comments. That was unfortunate, because that further reduced the minister's credibility.

I think that what is happening is the same kind of thing that's being proposed here. The same sort of political process is taking place as we saw last year around the rent review legislation that was presented. The government presented it reluctantly. The Minister of Housing (Mr. Rhodes) noted at the time that he did not favour the bill and he would do everything he could to get rid of it. He did. He put it in the hands of another minister who now wants to get rid of it.

What's happened is that that legislation which had a good principle, a good intent, has been destroyed. The intent and the philosophy of that legislation has been destroyed by the government's reluctance to accept the process. They have made it as difficult for that legislation to work as they possibly could.

I listened yesterday to the member for Huron-Middlesex (Mr. Riddell) talk about this particular bill and the fact that he has confidence in this government to implement that legislation. I would like to ask him through you, Mr. Speaker, if in fact he does have confidence in this government to run a programme of farm income stabilization, or is he simply trying to get off the hook on this whole thing because he's sick and tired of debating it?

Yesterday the comment was made by those members speaking for the Liberal Party that it would be a good idea if we just got through this debate and got the legislation into place so that the thing can start to work and then we'll see how it works out. I suggest to you, Mr. Speaker, that that's foolishness. That kind of response to this government's legislation will simply let them run around with it and make the legislation not work, as they wish. I'm afraid that we'll have the same fiasco occurring with regard to farm income stabilization as this government has made out of the rent review legislation.

I for one—and I know the members of this party—do not intend that that should happen. We intend to oppose this legislation because we think that the reluctance of the government to bring it in in a proper form in the first place will mean that now they'll be able to say, "Well, we didn't want to do it. It was the House that pushed us to it and, you see, when you let the opposition parties gang up on us this is the kind of bad legislation you get." If they don't want it to work—and the minister has said all along that it won't work—if they don't want it to work, Mr. Speaker, it won't work.

The reason we propose to change the legislation substantially is because we want to write it so tightly that the minister will not be able to avoid the responsibilities as spelled out in the legislation. If the minister gets a chance, he'll do exactly what they've done with rent review and I for one don't want to be a part of that.

I'm interested that the member for Huron-Middlesex in the course of this debate yesterday said that somebody in here didn't know the difference between a cow and a manure spreader. I think it's appropriate that that member should bring the manure spreader into this particular debate.

Mr. Samis: Pitchforked, wasn't it?

Mr. Moffatt: It looks to me as though the people in this House who have traditionally held the farm community in the palm of their hand feel, if a party comes in with some

thoughts on agricultural policy, that unless the member lives in a rural riding and, indeed, has grown up on a farm and is farming today, that that person will not be able to comment sensibly about agriculture. Mr. Speaker, I want to tell the House through you that I feel that I have as much contact with agriculture as any member over there. I have engaged in the business of farming, I have engaged in it at almost every level. I haven't been an auctioneer, Mr. Speaker—

An hon. member: Your talent is spreading.

Mr. Moffatt: —so that precludes that particular stance of the manure spreader. But at some other time, I think that we must get down to the business of recognizing that members in this House, whether they happen to come from an industrial background, trade union, a school, from the legal profession, or from the farm community, that what the people in this House have a stake and an interest in is the good will and the good fortune of this province as a whole. You don't have to be married to one particular part of the economy in order to have an interest in how the rest of the economy works. And I would ask this, Mr. Speaker, that members of the House disregard that kind of comment. I don't think that that adds any credibility to any person. Those people who insist on engaging in that kind of debate are acting in a very irresponsible manner.

[4:15]

Mr. MacDonald: They are revealing their bankruptcy.

Mr. Riddell: Who are you trying to convince—me or the farmers out in the rural communities?

Interjection.

Mr. Riddell: Let the farmers make the decision.

Mr. Samis: I am the farmer—

Mr. Moffatt: I am afraid as well, Mr. Speaker, that the problem—

Mr. Samis: —Jack Riddell says, I am the farmer.

Mr. Riddell: Why don't you fellows hold any rural ridings?

Mr. Wildman: We do.

Mr. Bain: I do. I hold a rural riding.

Mr. Moffatt: Mr. Speaker, it seems to me that people are forgetting that for years we have tried to implement land-use policies. This government has tried to get local municipalities to do land-use planning because they knew it was a hot issue, they didn't want to get blamed for it.

They kept pressuring small communities to implement land-use policies, but at the same time they were getting tremendous pressure from farmers not to engage in land-use planning which would create a hardship for them if they couldn't sell their farms. The reason the farmers wanted to sell their farms was they couldn't make a living at the business of farming.

What we are trying to do, Mr. Speaker, is put this in a total context. You can't have land-use planning which will preserve agricultural land—a policy that this party happens to be committed to—you can't have that kind of policy unless you are prepared to make the business of farming one which will ensure that farmers don't have to sell their land in order to continue to exist.

Anything less than a proper farm income insurance programme which will enable farmers to look forward in the future to the kind of progress that they would expect as citizens of this province, anything less than a total package like that, Mr. Speaker, will not work.

We are not going to be able to put into place the kind of proper facilities and planning for the rural parts of our province unless we are prepared to deal with this question; and you can't deal with it from a position of reluctance, negativism and backward thinking, as the minister has attempted to do now. What we have to do is put together a package. The reasoned amendment as proposed by my colleague the member for York South makes eminent good sense.

I can't understand, Mr. Speaker, how the party over here in third place happens to think that today they can have confidence in this particular government to implement a policy which is going to benefit the people in rural Ontario.

We are asking for changes in the legislation which will make sure that it is not patchwork, that it is going to absorb the effect of variations in the economy beyond the farmers' control, so that those things will be compensated for in some measure, so that the people in rural Ontario will be able to look forward over the next two to three years to continuing the business of farming rather than having to go into the business of real estate in order to live. Thank you, Mr. Speaker.

Mr. McKessock: As a member of the Legislature who lives on the farm and actively carries out a 100 cow-beef operation at home, it is a privilege for me to say a few words here today on the farm bill. I hesitate though to say "carry out" a beef operation. It comes easier for me to say "support" a beef operation the way the prices are these days.

I was talking to my neighbour the other day about the poor beef prices and he said that he thought he could keep himself if he didn't have to keep the cows.

Mr. Riddell: That's right.

Mr. McKessock: But I believe that Bill 131 is a start, and it probably won't do anybody any harm.

Mr. Bain: It won't do anybody any good.

Mr. McKessock: It probably won't do anybody too much good.

Mr. Samis: Therefore you will vote against it?

Mr. McKessock: If it is used in the context of what the farmers have been asking for the last several years—that is enabling legislation—then it's a start.

It is legislation to allow price protection for all farm products up to a level of 95 per cent average of the last five years, with adjustments for cost—except for the 15 or 20 per cent of the farm products that were covered in the first Bill 96, mostly vegetables, that the government brought in. Now they have decided to cover only this 15 or 20 per cent farm products at five per cent, hoping the federal government will pick up the difference to 90 per cent. Mr. Whelan has indicated they will, if a need arises and an application is made to have these designated commodities to come under the federal stabilization programme.

Mr. Wildman: Why won't he do anything about beef?

Mr. McKessock: We believe the federal minister will live up to this commitment but if he doesn't we would certainly want this bill amended to cover the 15 or 20 per cent of farm products to bring them up to the 95 per cent also.

Mr. Samis: Blind faith.

Mr. Wildman: It didn't designate beef.

Mr. McKessock: Beef is already under the federal programme.

Mr. Riddell: Beef is already covered. Why don't you take a look at it?

Mr. McKessock: There's one of those farmers over there speaking up again.

Mr. Samis: They grow them differently in the north.

Mr. Deputy Speaker: Can we have some order, please? The hon. member for Grey has the floor; let him proceed uninterrupted.

Mr. McKessock: The trouble with the bill is it is not enough to hold the small family farm. It is going to do more for the big guy who can invest a huge amount of money and feel that the worst he can do is break even.

The fellow who invests large sums has usually got enough backing or credit to feed his family for a year or so until enough small farmers go out of business or go broke for the price to rise. He is still in there to reap the profits when the price returns.

We are really supporting the larger investors. The small family farm is a unit we shouldn't let go. He doesn't go out of business because he's inefficient but because he cannot afford to break even. He hasn't got the reserves or the credits to ride out the break-even or loss years.

The family farmer doesn't want a lot of money nor did he ever ask for it. He is the guy who has been providing us with cheap food for the last 100 years. He will work for $1 an hour if he can meet his expenses and mortgage payments and get enough to eat and his family will help him.

Last night I heard one of the watchmen out in the hall say to one of his fellow workers, "Don't talk to me, I'm on my break." This statement seemed a bit strange to me, coming from a family farm, because that was the time we got our talking done, if we ever did get a break.

The family farm is disappearing very fast because expenses now, due to inflation, are too high for him to ride out the low price periods and he has no reserves and he can't borrow money at a decent interest rate to allow him to stay in. I believe we need to supplement this plan in this area to help hold the family farm.

The government should provide loans to efficient family farm units with investments of $150,000 or less, up to $20,000 repayable over 20 years at five per cent. Over the last several months I have had a great number of farmers who are in trouble. It is the high interest rate and the price of the product that is killing them.

The bringing in of this bill emphasizes the need and the importance of seeing that agriculture remains an important industry in Ontario. It appears that the government is flip-flopping now on agriculture and the use of agricultural land.

An hon. member: Who is flip-flopping?

Mr. McKessock: A few months ago the Premier shouted across the floor that we would lose 20 seats in the next election if we froze agricultural lands. Now the Tories have had one of their members bring in a private member's bill which would do just that.

Mr. Wildman: Now they have had one.

Mr. Eakins: They want him to test the water.

Mr. McKessock: They want him to test the water, that's right, and then it doesn't look so much like a flip-flop. I think they are beginning to realize that true farmers are really in favour of saving agricultural land and it is the developer and speculator who are not.

If the farmer was receiving a decent income and a return on his investment there would be no problem of retaining agricultural land because it would be passed from one generation to the next and it wouldn't be for sale. With the continuous supply of farm products which creates an unstable, unreliable, inadequate income for most farm commodities there is no incentive to be in favour of holding agricultural lands if you are a farmer. It appears that if we had less of it we might receive a decent price for our product.

The NDP wonders why this bill doesn't pay a profit. If it did, of course, it would create a surplus and there has been no provision in this bill for supply management.

We know that farm products must pay a profit sometime to enable farmers to stay in business but when they do pay a profit it is inevitable that a surplus will follow—that is, if we haven't got controlled production. When a surplus arises losses follow and some farmers must go out of business to allow the surplus to drop back and the prices to rise again.

We farmers spend a lot of time saying we are free enterprisers. Some feel that controlled production takes us out of this category. We should ask those who have supply management now to set their own price and see what they say. You will find that most of them will say they are more free than they have even been before.

First, they are free to produce without fear of over-production. Second, they are free to be efficient and the more efficient they are, the more money they make. Third, they are free to make a year's projection in cash flow without fear of a sudden drop in price within the year. Fourth, they are free to borrow money without the bank manager saying, "What if the price should drop?" Fifth, they are free to plan for several years instead of six months.

Mr. McClellan: Are you listening, Jack?

Mr. Riddell: But we don't want supply management under government controls. That's what you guys want.

Interjections.

Mr. Bain: No, we do not.

Mr. Deputy Speaker: Will the member for Timiskaming (Mr. Bain) come to order? He will have an opportunity to speak later in the debate.

Mr. McKessock: Sixth, they are free to make a planned expansion based on quota rather than to expand for an unknown market.

Even though the milk producers had controlled production imposed on them by this government across the way quite a few years back, I don't think it has what it takes to do anything like that at this stage nor do I think it should be imposed upon the farmers. Producers of other commodities, such as broilers, turkeys and eggs, brought in their own controlled production and I think this is the way it should be. The legislation is in place for farm commodities producers to set up their own marketing boards, to control production and to set their prices—if they want to use it.

There is one question which bothers me and that is how many farmers want controlled production of the products which are left and aren't controlled? A lot of vocal farmers speak out against it yet I believe a large number are in favour of it. The government could help out here and do away with this guessing, first by licensing farmers so that a systematic vote could be taken to see for sure where the majority of the farmers stand. This should be done provincially.

Mr. Wildman: That's real freedom.

Mr. McKessock: The minister's system now of communicating with farmers through some long-distance static telephone hook-up is dreadfully inadequate. By the way, how much did that cost the taxpayers of Ontario?

Hon. W. Newman: Not enough. That's why it wasn't so good.

Mr. Bain: Maybe it was the content.

Mr. McKessock: I know it cost the minister a lot of votes because the farmers were thoroughly disgusted with it. I will say that your staff person, Dan Rolls, from Markdale, did a tremendous job of looking after the meeting in Flesherton. His voice came through loud and clear when he read the minister's speech to us after we couldn't make it out on the telephone.

Mr. Speaker, I appreciated the chance to say a few words on this bill. I will be supporting it with a few changes, the main change being to allow the three farm organizations to appoint directly to the commission and not have the commission appointed by the government. I believe the bill is a start. This is something we haven't been able to get although the farmers started trying several years ago.

Mr. Deputy Speaker: Does any other member wish to get involved?

Mr. Johnson: Mr. Speaker, I am pleased to have this opportunity to speak on the Farm Income Stabilization bill. This is a very important measure for the province's farmers and especially for my own riding of Wellington-Dufferin-Peel which, as you know, is primarily agricultural. While I have not had the advantage, as some of the members in the House have had, of being a farmer, I have worked with them for the past quarter of a century.

Mr. McClellan: You are not a farmer.

Mr. Johnson: The purpose of this second reading debate is to discuss the principles of the proposed legislation. I must say at the outset that I am in full agreement with its basic principles. I also feel that the provisions of the current bill are well suited to putting those principles effectively into practice, but let us look at those principles.

[4:30]

The basic principle is to provide a measure of income stabilization for our farmers, and I doubt if anyone can object to that. I think that we all realize that farming is more than just an occupation or a way of earning a living. It is a way of life that makes special demands on people and gives them important rewards, only some of which are financial.

But all too often the financial rewards are much too small and I think we sometimes lose sight of the fact that just because farming is a way of life, farmers have to earn a decent income just like anyone else. Not only a decent income, but a reasonably stable income. Alternation of boom and bust may average out to reasonable levels, but surely it is better to have a basic income floor so that the gains from one good year won't be wiped out by a disastrous year.

Even with things like crop insurance, farmers face enough uncertainty in their day to day operations and also in their long-term perspectives without having to worry about making ends meet. This bill should not only improve the farmer's financial position, but it will also reduce uncertainties surrounding the operation of a farm and thus will lead to better long-range planning. It is also important to note that the bill will not interfere with the market mechanism, since it provides a floor for farm income, but not a ceiling.

So far I have been talking about the need for farm income stabilization in the abstract, but I may say that for the farmers in my riding this is a very real and very pressing problem. As I have said the backbone of Wellington-Dufferin-Peel is agriculture, and the basis of that agriculture is beef production and dairy operations. Farmers in both these industries have been extremely hard hit over the past while. The beef producers have suffered through years of low prices and in many cases it is only dedication and love of farming that have kept people from giving the whole thing up, as they would surely do if they based their decisions on purely economic grounds.

Mr. Nixon: Is that what it is? I haven't been able to decide why I don't give it up.

Mr. Johnson: Also dairy farmers have had a bad time of it lately. If they are not hit with low prices they are stymied by the quota system. It is neither fair nor is it in anyone's best interest that in these times, when everyone is wondering whether his next salary increase will be eight per cent or 12 per cent or whatever, the farmer should have to take what amounts to a cut in pay.

Prices that the farmers have been getting have been rising very slowly, if at all. At the same time virtually all the costs of running a farm have risen almost out of sight. Machinery costs have skyrocketed. Prices have doubled in the last five years. Transportation costs are up. There is talk of a $4 an hour minimum wage, and farmers just can't afford that.

I would also like to point out that ensuring decent returns to the farmers is not only a basic matter of economic justice, but it is

important for the very future of the agriculture industry, for the urban centres and for the farming communities. If we are to continue to attract hardworking, enterprising young farmers we will have to see to it that the financial rewards are there, and that they have a degree of certainty.

The huge capital costs, the amount of work involved, the difficulty in getting help at affordable prices are only some of the difficulties encountered by young farmers. If they also have to face the uncertainty of not knowing if they will be able to get fair, stable prices for their product, then how can we expect them to even think about going into farming and making it their life's work? If we expect the agriculture industry to survive we will have to ensure that sheer hard work is rewarded. This makes some form of income stabilization absolutely essential. In order to get a comprehensive programme, Mr. Speaker, the federal government will have to get further involved.

The Minister of Agriculture and Food has repeatedly pointed out that a truly effective scheme would have to be national in scope, and therefore federal in jurisdiction. The federal government is the only one which can effectively control needless cut-throat competition among provinces.

More important, only the federal government can negotiate international agreements to protect our farmers from massive imports of underpriced agricultural products.

Until our friends in Ottawa see the light, however, we at the provincial level will have to take up the slack. At the same time, let us remember that the bill now before us is designed to complement existing federal programmes and could easily be fitted into an expanded federal programme.

So far, Mr. Speaker, I've been dealing with the reasons why we need farm income stabilization, but we must be careful not to let this basically sound idea be taken too far and create a whole new set of problems. The way in which the bill is set out shows that the government is aware of this and has carefully avoided incorporating into the legislation the principle of incentive pricing. Nobody, least of all the farmers, wants that.

What we have to avoid at all costs are incentives to overproduction, which will hurt the industry, and in the long run will also hurt the consumer. Incentives of this nature would bring into the agriculture industry people who really do not know what they are doing and whose lack of experience would hurt not only themselves but other farmers as well.

More important than this, however, the possibility of overproduction brings with it the threat of supply management, of quotas, of farming by directive of government bureaucrats; in other words, socialized agriculture.

Mr. McClellan: Oh, that's done it! The Liberals want a licence for farmers.

Mr. Johnson: Most of the farmers I know are a pretty independent lot. I suppose you have to be to make a go at farming at all. They are quite willing, provided they are protected from unfair foreign competition, to put their hard work and know-how on the line and sell for the price the market will give them, they have faith in the market. They may be disappointed and hurt by low prices, but I think they much prefer this to an unwieldy quota system, which would seriously reduce the efficiency of the market and of the industry as a whole. If there is one thing to be said about farmers it is that they want to get on with the business of farming with as little government interference as possible.

I think the bill before us is an ideal vehicle for ensuring the farmers receive an adequate return while not having their relationship with the market disturbed. It is for this same reason that I'm pleased that the farm income stabilization programme will be on a voluntary and contributory basis. If farmers do not want to join they should not be forced to do so.

I'm also pleased to see that the administrative setup in the bill would be mainly composed of farmers' representatives, rather than Queen's Park bureaucrats, who may be well-meaning but who do not have the same feel for the problem as the farmers.

This brings me to my last point, Mr. Speaker. The government has paid very close attention to the suggestions of the farmers and the farm groups. All along the line there's been close consultation so that the government would know where the farming communities stood on the issue and what farmers themselves want. Of course, this does not necessarily mean that the government accepted every view put forward by the farmers' representatives. The government is charged with the responsibility of setting policy for the entire province and everyone in it, and therefore must make decisions that will be in the best interest of Ontario as a whole.

Mr. Warner: When does that start?

Mr. Johnson: Mr. Speaker, on a major issue such as we have before us, it is impossible to please everyone—

Mr. Bain: It does not please anyone.

Mr. Johnson: —but I submit that this bill meets—and meets very effectively—a very real need in the Ontario farming community. It will certainly be of great benefit to the farmers in my riding of Wellington-Dufferin-Peel.

Mr. Wildman: I rise to participate in this debate and as was the previous speaker, I will be quite honest and say that I'm not a farmer and that I don't pretend to be an expert on agriculture. Although I grew up in a farming community and I represent a rural riding which has many farmers and I have relatives and friends who are still in farming and actively farming today, I myself did not grow up on a farm and am not a farmer. However, I want to participate in this debate because I think that farming is something we should be preserving in this province and I'm afraid that unless some changes are made in the present bill, we won't really be doing that.

For that reason, I support the reasoned amendment because I don't really feel that the reworked legislation proposed by the minister will really do enough to make farming in Ontario an attractive occupation for the rural people of this province. Rural people want to be farmers, but as the previous member said, if they were just looking at the proposition on the basis of economics, many of them would not be. As a result of that, I think that we should be doing something in this Legislature to ensure that farming will, indeed, be an attractive occupation and one that will attract young people to agriculture.

I think both farmers and urban residents are becoming more and more aware of the problems facing the producers of our food in this province. Farmers have always had to endure the roller-coaster, boom-bust cycles in incomes over the years. It's not new. But the most recent changes in costs such as manufacturing, seed, feed, fertilizer, and so on, the exigencies of weather and climate, which have always been a problem for farmers, and the recent rises and falls in market prices have made farming not only a challenging profession, which it always has been, but one that is very uncertain and exceedingly risky.

The hard work and initiative of farm people has always been the backbone of the economy in society of Ontario. Farm people have always been neighbourly and self-sacrificing in co-operating with one another to help each other in times of need and to develop their communities. But over the last few years the serious growth of inflation has made it very difficult for young farmers to become established without going very deeply into debt and risking bankruptcy and ruin as a result of any natural disaster such as a serious storm just before harvest, flooding, or drought, or for that matter, any dramatic changes in the market prices.

The minister knows, after touring the north this summer, that the farmers in the north, certainly in the nortwest and also in my area—

Mr. Bain: Didn't do anything for them, though.

Mr. Wildman: —have faced a serious drought problem and there have been some transport subsidies suggested and instituted to help them, but these sort of short-term things don't really solve the whole overall hill and trough process of farm income.

Many hardworking young producers in my riding have had to take other jobs in recent years to keep up their payments on their farm. In other words, they make their money off the farm and they spend it on the farm; this has been a problem for farmers too long in this province. Working full-time at another job and working part-time on the farm, makes it almost impossible, no matter how much hard work goes into it, for a producer to become and to make a go of it as a full-time producer in agriculture in the province.

[4:45]

Increasing costs and poor prices haven't been alleviated by the myriad of ad hoc bandage-type government subsidy programmes that have been built up over the years. As a result of this, not only the young farmer but the long established farm people, often find themselves in the position of having to sell their property if they are going to realize a decent return on their investment and their many years of labour. Low returns make it very difficult for farm people to provide funds for their retirement today, unless they sell their farms. Also because of land speculation over the last few years, the price that the property owner can obtain from selling his farm often makes it very difficult for another farmer to purchase the land or for a young man who wants to go into farming to purchase that land and keep it in production, especially if the land is anywhere near a major centre, where speculators can buy up the land and perhaps rent it out to keep it in farming so they can get the tax exemption for a few years until it becomes profitable for them to build houses on it or whatever, and the land goes out of production. It's very difficult for farmers to compete with the kind of money these developers have.

When land in some areas is priced anywhere from $1,000 an acre and over perhaps even up to $3,000 an acre, that's certainly not it's agricultural value. That's the value to a speculator. The agricultural value would be more in the range of $300 to $500. When a farmer is faced with those kinds of prices, he usually can't afford to buy the farm or, if he does, he's going to have to go so far into debt that it's going to be an awful long time before he makes a go of it. As a result, many farmers, younger ones and older ones, are leaving agriculture. This has happened a great deal in my riding in the last few years, especially with the drastic drop in beef prices. I realize that the federal government has done something in beef, but it hasn't designated the cow-calf operation. Since most of the producers in my riding are cow-calf producers and though many of them have enrolled in the provincial plan, with the support price as low as it is, they still can't make a go of it. Many of them are leaving agriculture altogether.

It's to retard this trend that we've introduced the reasoned amendment, to ensure that commodity groups and farmers who wish to participate are protected in terms of current costs by providing a comprehensive farm income insurance plan. After a lot of promises and stalling, the government finally introduced a so-called farm income stabilization bill last spring, but we all know what happened with that. It covered less than 30 per cent of farm production in Ontario and the bill was overwhelmingly rejected by Ontario's major farm organization. As a result, the Legislature directed the government to redesign the bill to incorporate the very principles enunciatad in the reasoned amendment proposed by the member for York South. It received the support of both opposition parties last spring. We gave the minister a second chance to redraw the bill, to go back and look at what should be done and to bring the bill back for passage this fall. Unfortunately, the minister doesn't seem to have learned from the reaction last spring. Perhaps he's a slow learner.

The Legislature last spring requested that the bill be made comprehensive, voluntary and contributory. The bill has been made voluntary and contributory, but I would debate the part of it being comprehensive. Also, we requested the minister engage in meaningful negotiations with various commodity groups to reach agreed-upon support prices for various commodities based upon cost. By that, I believe we meant current costs, not costs over the last five years. With the present rates of inflation, the costs of machinery parts, energy, feed and so on this year may not have any relation at all or very little relation to the costs over the last five years.

Instead of doing this, the minister went around this summer trying to convince farmers that what he had introduced in the spring was good and was the right thing. When that didn't work he grudgingly decided that he would move to some kind of legislation. But he still didn't believe in the principles of the legislation. So he had to get his ministry people to run round and figure out how they could introduce a bill that looked as if it met the instructions of the Legislature but wasn't going to cost the kind of money that a real farm income insurance plan would cost.

So they came up with the solution that whatever commodities were designated would receive 95 per cent at whatever time the federal government designated it for 90 per cent support; that is they would piggyback their five per cent on top of that.

I made an interjection earlier regarding beef. Perhaps I was wrong but I know that in my riding certainly, the cow-calf producers are not in a situation of federal designation. So as a result of that, if this was the case, in spite of the drastically low prices these producers are getting at the market they would only get five per cent if they were registered in this plan. That's ridiculous.

Talking about low prices for cow-calf producers: The top price at the Thessalon sale, the Algoma sale this year, was 35 cents a pound; $35 a hundredweight as a top price. The lowest prices were in the ranges of 17 and 18 cents a pound, which has no relationship whatsoever to the cost of production. If the present cow-calf plan guarantees 51 cents it's going to be a big payout for the government sure, but that is still going to be low because it costs at least 60 some cents, and perhaps over 70 cents, to produce each pound of beef.

So offering five per cent of costs over the last five years isn't really going to help those farmers very much and you are going to have more and more of them going out of production. More and more of them are just saying: "All right, we are going to sell off all our beef this year and are going to collect from the government under their plan. And then we are not going to go back into it anymore; we'll produce enough beef for ourselves and perhaps a few people, friends we can sell to."

Maybe that's the purpose. Maybe they want the small operator who is in trouble to go out of production and keep the bigger operator in production. Maybe that's what they want, but I don't think that's good for agriculture and I don't think it's good for the farm com-

munities in this province. That is not how agriculture developed in this province, I don't think that is where we should be heading.

I agree with the member who stated that we should be doing all we can to preserve the family farm as a unit of production in this province. Not only is it good for the economy of this province but it is also good for the society of this province. It would be a tragedy to see that way of life come to an end.

Anyone on the Liberal side who argues that we can depend on the federal minister to designate, and therefore the commodity groups that are participating could get the 95 per cent are ignoring the cow-calf situation; and I don't think we can.

More important than that, is the question of cost. We can't accept a bill that is going to have cost based on an average over the last five years. We've got to have a plan that deals with current costs if it isn't to be just a stop-loss approach. Stop-loss won't keep people in production. All it will do is let people recover most of their losses before they go out of production.

I seriously hope that the principles of the reasoned amendment will be accepted by this House so that we can stop the serious migration of people from the farm and preserve what I believe is one of the noblest professions in our society.

The member for Durham West (Mr. Godfrey) talked about farmland protection, and I want to indicate that our caucus certainly supports the recently published position of the Ontario Institute of Agrologists, that the government should be moving much more rapidly to ensure that food lands in this province are protected. But they can't do that in a serious way unless they are also going to deal in a serious way with farm incomes.

Mr. McClellan: Yes, get serious.

Mr. Wildman: The two have got to be completed together.

Mr. Warner: Should be two bills here together.

Mr. Wildman: A bill that prevents bankruptcy on the farm doesn't make farming attractive for rural use.

I call upon the minister to accept the amendment and to redraw this bill finally so that it incorporates the principles that we asked for last spring; so that we produce a truly comprehensive farm income insurance plan that will keep the young farmers in production and make it possible for older farmers to get a fair return on their management, investment and labour. Only by doing that will we be adjusting the situation in agriculture in this province to ensure that it prospers instead of just survives.

Mr. Spence: It's a pleasure for me to take part in this debate on Bill 131, the farm income stabilization bill, which has been discussed considerably since last spring. I must say I don't want to re-echo the remarks of the critic for the Liberal Party.

Mr. Bain: I wouldn't want to either.

Mr. Acting Speaker: Order, please.

Mr. Spence: He has outlined very well the stand of this party. Bill 96 didn't satisfy the farmers across this province, and I was pleased to see the minister withdraw that bill. It wasn't a bill that would do the work that the farmers expected. Bill 131 is an improvement over Bill 96. The minister estimated Bill 96 would cost the province of Ontario $7 million, while Bill 131 will cost the government $60 million to $70 million.

I was pleased to read in this bill that it's voluntary and it's contributory. The farmers of this province, as we've heard so often, are free enterprisers.

Mr. Philip: They are going bankrupt in the free enterprise system.

Mr. Spence: I think the agriculture industry across this province is about the only industry that is a free enterprise industry. Because it has to work against all the other industries in this province that aren't free enterprise industries, the agriculture industry faces a very serious disadvantage.

As we all know, the prices of agriculture inputs required to produce a commodity have been skyrocketing over the last number of years. I think that Bill 131, while it has a good framework, should be modified and changed in a number of places. If it is changed or amended, this bill will work to the great advantage of the agriculture industry across this province.

I was here in this House when the crop insurance bill was brought in; at that time the government named a select committee on corp insurance and I was named to that select committee. We travelled to different places across this province, but I must say the farmers weren't interested whatsoever. At the meetings we were going to hold at different places we had to coax farmers to come and learn about crop insurance and to bring up some points that would improve crop insurance. But the government amended the crop insurance plan across this province.

[5:00]

Today I hear very little complaint from the farmers on crop insurance. After talking to the federal Minister of Agriculture, the Hon. Gene Whelan—whose word is good no matter where he has been across Canada—I think this bill can be amended so that it will be a very good step toward assisting the agriculture industry across this province.

I attended the meeting on food that the minister held in Ridgetown at the agricultural college. We heard him speak over the phone that night. I couldn't understand it or be sure that it was the minister, but nevertheless—

Hon. W. Newman: I guess we'd better have a royal commission on the Bell Telephone Company.

Mr. Spence: That's right. Anyway I was glad it was him, even though I could hardly understand a word he spoke. However—

Mr. Nixon: Of course. We can't either.

Mr. Samis: You should be used to that by now, Jack.

Mr. Spence: —at that meeting there weren't too many farmers in attendance but there were five members of the Ontario Legislature, including my colleague from Windsor-Walkerville (Mr. Newman)—not the honourable but—

Mr. Nixon: Soon to be honourable.

Mr. Spence: But he will be, in the not-too-distant future—the member for Essex South (Mr. Mancini), the member for Essex North (Mr. Ruston), and myself. We listened with great interest. What I heard that evening and on a number of other occasions was that the agricultural industry is a free enterprise industry, and farmers don't want to stray from that sphere. I must say the farmers at that meeting left the impression they didn't want any controls to tell them what they could grow and what they couldn't grow. I am in favour of the principle of this bill and I think it can be improved and changed so that it will work for the benefit of the agricultural industry.

As we all know, the agricultural industry is of tremendous importance to any country and to this country of Canada. Food is the most important product that we produce. Practically 50 per cent of our population earn their livelihood from food one way or another—processing, packaging, marketing or selling agricultural products. If a country hasn't got a sufficient supply of food, there is not too much future in it.

I would like to see the minister amend this bill in a certain way in certain places. It then could be a very good and important bill for the agricultural industry, so I ask the minister to give every consideration to the changes. We have reached the point where there is very little profit left in producing a commodity on the farm today. We do need something.

I think if the minister makes changes in a number of places in this bill, the farmers will do the same thing with this bill as they did with crop insurance. They took no notice of the crop insurance bill for the first few years, but with changes and improvements in the bill—I talked to a farmer and showed him this Bill 131. After looking it over he said to me that he would still stay with crop insurance. I want to know if, when the minister replies to all the speeches that have been made, he could tell us if crop insurance will still be available to the farmers if they don't join this voluntary contributory plan. I think if we amend this bill it can be made workable and it will be of great benefit to the agriculture industry.

I am one now who believes that we are facing surpluses—in wheat, right at the present time, we have practically reached a saturation point. If members looked at the elevators across this province in the last month and a half, I am telling them we have come practically to the point of saturation or to overproduction of corn. We can't find markets for it. Cattle and hogs are also on the verge of overproduction. If my advice is any good to the minister I would say change this bill in certain places and amend it in others, I would say that this will be a boon and a step forward. I can't go along with the asphalt farmers to my right because they want to put on controls. They want production controls—

Mr. Samis: We have listened to you.

Mr. Spence: —and I will tell them this—we can't tell the rural area farmers what they can grow and what they can't grow on their own farms. They are free enterprisers. If the NDP members do it, they won't be in this House very long.

Mr. Eakins: That is good news.

Mr. Spence: Those are my remarks. My colleagues have outlined our stand. I feel we shouldn't defeat this bill. I don't think we should force an election on the province of Ontario on Bill 131. I think I have confidence in the Minister of Agriculture and

Food here in the province and certainly I have confidence in the federal Minister of Agriculture, the Hon. Mr. Whelan, because what he has said in the past he has lived up to.

Mr. Samis: Before I start having to withstand epithets from my left about being an asphalt farmer I would like to explain to my colleagues to the left—I listened very attentively to the member for Kent-Elgin—that I prefer the term urban farmer or small garden farmer or small town farmer, rather than asphalt farmer. I am not a lover of asphalt particularly. I think it is a miserable crop and I would like to see less of it, not more of it, in Ontario.

Mr. Warner: Talk to them.

Mr. Nixon: Overproduction.

Mr. Samis: I must say that I listened attentively to my colleague from Kent-Elgin. I wondered if I wasn't living in Arizona in 1952, listening to Barry Goldwater's speech to a group of sand farmers south of Phoenix; or with a group of grape growers in southern California listening to Ronnie Reagan rev up about the great merits of free enterprise. It really makes me wonder.

I don't claim to be nearly as knowledgeable about agriculture as those who are actively engaged in it. How many on the other side are actively engaged in a full-time way? I really wonder.

Mr. Nixon: We think we are listening to a collectivist in the Ukraine.

Mr. Samis: Oh, never.

Mr. Warner: He read all your speeches.

Mr. Samis: But I have looked at some statistics in my particular—

Mr. Nixon: A collectivist in Italy.

Mr. Samis: —and even though I may not be a farmer I do think the statistics speak for themselves regardless of what one's occupation is. If I look at the county of Stormont, for example, from 1966 to 1975, I see a 38.9 per cent decline in the number of farms. I see a 51.6 per cent decline in the number of people on farms. If I look just east of my particular riding to the riding now represented by my colleague from Glengarry (Mr. Villeneuve), I see the number of farms in that particular county down by 37.8 per cent; I see the farm population from 1966 to 1975 down by 45.8 per cent. If I look at the county immediately west of my particular riding, the county of Dundas, I see the number of farms down 31.9 per cent, and the farm population down 42.6 per cent.

Mr. McClellan: Free enterprise.

Mr. Samis: I did have some farmers in the former riding of Stormont and I do still have some farmers in the township of Cornwall who are old-time farmers, mainly dairy farmers, so I am not totally out of contact with the farming community. When I see statistics like that and then I hear this recital of the incantation of the mythology of free enterprise, I ask myself—is it working for the farm people? If they want to be free enterprisers to the extent suggested, where are the results of the old system? The few farmers that I do talk to don't seem to be too happy with the system; they're not nearly as enchanted with the mythology as suggested by some of the members on my left. And I know that the Minister of Agriculture and Food, whom I want to compliment this afternoon for his decorum, his calmness, his tranquility—it's much appreciated, and I'll do nothing to upset it because I think this is a considerable improvement.

Mr. Nixon: He took a handful of Valium for lunch.

Mr. Samis: But I do know that the minister does receive valuable advice, information and insight into the plight of the farmers in eastern Ontario, especially the dairy farmers, from my good friend and colleague from Stormont-Glengarry-Dundas, whom I converse with on a regular basis, whom I find illuminating, sincere and concerned about the plight of the farmers. And when we talk about—

Mr. Nixon: Don't overdo it.

Mr. Samis: —our common interests in agriculture in eastern Ontario, we don't talk about "They're going to be free enterprisers. They're going to survive to the end and be driven off the farm, but they'll go down as free enterprisers." No, that's not what the farmer wants. He wants results. He wants to stay on the farm. He's not so interested in the mythology, whether you call it free enterprise or something else, he just wants to make a living, stay on the farm and get a decent return for his income. And I'm sure my colleague from Stormont-Glengarry-Dundas is in full agreement with that.

Interjections.

Mr. Samis: You know, I think we should take ideology out of this, and sometimes, there's no question that our party has been guilty of that as much as any other party in

other domains. I willingly accept that criticism. I think the main concern should be results and protection for the farmers.

Sometimes my colleagues on the left like to really bring up this mythology about free enterprise, but I don't hear them talk about some of the really, I think, damaging things—if you really want to talk about free enterprise—that are ruining the concept of free enterprise. Their federal leader, for example, has openly said the concept of the free market has now gone into the land of the dodo bird.

Mr. Nixon: No, he never said that. Oh, boy!

Interjections.

Mr. Warner: And he can identify with dodo birds.

Mr. Samis: If we look at the whole idea we all know that tax incentives, quotas, imports, tax writeoffs—in fact, we saw the Treasurer (Mr. McKeough) this week give another goody to his corporate friends—obviously that's not free enterprise in the truest sense. So that's dead at the corporate level, and I would suggest if you look at the way things are marketed, processed, merchandised and the growth of corporate farming, we have to face the realities. The old myth of the family farm—

Mr. Nixon: That is a myth is it?

Mr. Samis: —which has control over the whole process of production, processing, distribution and merchandising, to the average farmer is as meaningful today as the member for Prince Edward-Lennox (Mr. Taylor) trying to start up an automobile company in eastern Ontario and taking on General Motors, Ford or American Motors or Chrysler—and the member knows it.

Hon. Mr. Taylor: Keep talking, keep talking.

Mr. Warner: It's a shame you woke him up.

Mr. Samis: We're always glad to have the member for Prince Edward-Lennox here after his announcement of Tuesday.

Hon. Mr. Taylor: Thank you.

Mr. Samis: I want to compliment the member of my party who has led the battle in this Legislature and out for a comprehensive, meaningful farm income protection plan, the member for York South (Mr. MacDonald). I know he's frequently called the asphalt farmer from York South, but the essential thing is, Mr. Speaker—

Mr. Nixon: Where is he today?

Mr. Samis: —he has been out on the stump talking to farmers, talking to New Democrats—

Hon. Mr. Taylor: On the stump?

Mr. Acting Speaker: Order, please. Allow the hon. member for Cornwall to continue.

Mr. Nixon: I would have thought the member for York South would be here today for this debate.

Mr. Samis: They're getting unruly, aren't they, Mr. Speaker?

Let me say that this so-called asphalt member has been out there fighting, speaking, persuading, cajoling and doing everything he can—as a non-rural member, admittedly—to get something that would help the family farm, that would help the small producer, that would help the farmers of Ontario stay in business. That's been his contribution in this province, and he deserves an awful lot of credit and recognition for those efforts.

Mr. Good: He has been intruding.

Mr. Samis: His record is second to none in this province when it comes to fighting for farmers, whether he comes from Toronto, Elgin or you name it. His record speaks for itself and I'm proud to be associated with that man in this party.

Mr. Riddell: Trying to persuade the farmers to adopt your philosophy, which they won't do.

Mr. Samis: Now I hear the member—

Interjection.

Mr. Riddell: They don't want socialist farming, they don't want state control.

Mr. Warner: Why don't you go and ask them?

Mr. Acting Speaker: Order, please.

Mr. Samis: Mr. Speaker, I would like to talk about the bill, if you don't mind.

[5:15]

Mr. Acting Speaker: Order, please. The hon. member will continue debating the principle of this bill.

Mr. Good: That will be a change.

Mr. Samis: I contrast the record of the member for York South with this Minister of Agriculture and Food in terms of this bill. Although I've only been here two years, I do recall initial discussion of a full farm-income stabilization plan. In the last year the reaction of this particular minister was that he either pooh-poohed it or begrudged it. He said it was unworkable and all sorts of things like that. There was no real support for the concept of the plan as espoused by the member for York South.

Then we had an amazing event about 14 months ago. It was something called minority government. This minister had to swallow a fair amount and obviously brought in a bill last spring supposedly to placate both the parties on this side who were demanding legislation to this effect. But it was obvious that it wasn't worth the paper it was written on and the farmers saw that as well as the members of this House.

Stage three was back to the drawing board. Everybody obviously wanted to do something to avoid an election, so we had the great consultation process.

Hon. W. Newman: You try to improve it.

Mr. Warner: You were doing well. Don't spoil it.

Mr. Acting Speaker: Order, please. The hon. member will continue.

Mr. Samis: I had the pleasure of hearing the minister in a very tranquil, relatively conversational, comprehensible tone in the Kemptville meeting, in the series of meetings that were called.

Hon. W. Newman: You were there and you understood them?

Mr. Samis: I was there. I actually understood the minister and half the people in our audience—

Mr. Bain: You were bored though.

Mr. Samis: —did understand the minister. The thing that struck me about that meeting was when the ag rep got up to explain what the minister had said to try to get it into language that they would understand, they'd keep asking, "How does it affect us?" They went over the things that would be covered under that proposad plan and it suddenly dawned on all of them that nothing they do is really going to be covered by this plan. They realized this plan really doesn't do anything for them and is next to worthless. I'm sure these weren't state collectivist farmers and they didn't want any great form of collective society. They just said: "This plan ain't worth a dime. Send it back. Improve it." These were common-sense farmers in eastern Ontario.

Here we are at the fourth stage. Now we have this revised bill. In some ways, obviously, the minister has learned his lessons from last spring. But the thing I noticed again, if one looks at the original concept of the farm income protection plan, is that this minister has again watered it down and, even worse than that in some ways, I suppose, he's tied it to the federal plan. I find it rather interesting, after all the criticisms in the past 14 months or so that this minister has made in this House of his federal colleague along with the rest of the front bench of the federal government—

Hon. W. Newman: You certainly haven't been in the House very often then.

Mr. Warner: Don't lose control.

Mr. Samis: —of all the things he's blamed them for, all of a sudden now he switches this plan to his great and good friend in Ottawa, the Hon. Gene Whelan. It just amazes me how, when they're in trouble, they go to the big daddy in Ottawa, either to use him as a whipping boy or an out.

Mr. Acting Speaker: Order, please. Perhaps we could return to the principle of this bill.

Mr. Samis: I'm speaking to the principle of this bill, Mr. Speaker, the principle that this bill has to be tied to a federal plan. I sometimes chuckle when I hear that this is the same minister, who, now we're depending on for the principle of this bill to be implemented who was out west, I think last week, lecturing the consumers and the journalists of the west about the innate and consummate relationship between beef consumption and human ferocity and human virility.

Mr. Nixon: Virility?

Mr. Samis: This is the same minister I understand my colleagues on the left are putting their faith in on the basis of a verbal agreement. They will accept the principle and the implementation of this plan because of a promise they've got from this same minister. I wonder if the farmers of Ontario would buy that kind of promise if they were given it by that same minister.

Mr. Riddell: They think he's been the best minister that's ever been in Ottawa.

Mr. Samis: We'll see at the next election.

Mr. Acting Speaker: Order, please.

Mr. Warner: Say it with a smile.

Interjections.

Mr. Acting Speaker: Order, please.

Mr. Samis: I do give the minister credit for an interest in the general welfare of farmers in this province but I really wonder about his deep commitment to the principle of this bill. It seems to me that we have this bill here before us today as if we've kicked and dragged it out of him through a minority government, through rejection by the farmers, through rejection by the Legislature and a near election last spring. This is the baby we finally had to drag out of him. I get the impression that he'll only do it because it's forced on him and when it's forced on him he'll do as little as possible so that he can stick to his so-called free enterprise principles, as enunciated by my colleague from Kent-Elgin.

The fact that it's tied to the federal plan, I think would please very few of the farmers in this province and very few people in this Legislature. In effect, the result of tying it to that extent doesn't make it a full farm income protection plan as has been advocated by this particular party.

Although not being a farmer and not claiming to be all that knowledgeable in the field, I did notice that British Columbia, with its faults, with its shortcomings, didn't wait for the feds to introduce their plan and implement it. The politicians there thought there was a need for it for the farmers of British Columbia and they did something to meet that need. I've noticed that the government of British Columbia, the present government, has not dismantled or discontinued that plan; nor has it complained that it has to wait for the feds to do something else.

Obviously that speaks for itself when we consider the vast difference in philosophy and ideology between the Socreds and the NDP in British Columbia. The government of Quebec, unlike this government and this minister, didn't wait. There were needs in Quebec agriculture but the plan was not nearly as comprehensive as British Columbia's—

Hon. Mr. Henderson: Where are they today?

Mr. Samis: —however, Quebec did something. It went ahead on its own to try to meet the need.

Hon. W. Newman: What? Just tell me what?

Mr. Samis: That contrasts with this province—

Come on—the minister knows there are four of them. This province has stalled and waited and now it can't do that any longer we've watered things down and hitched up with the federal minister in Ottawa.

I was rather interested to read the comments on this bill of the president of the Ontario Federation of Agriculture, a man whom I would respect. Some of the comments he made in his column in Farm and Country of November 16, were rather interesting. The headline was, "Who's Bill Davis Trying to Kid?"—obviously he's referring to this bill.

I noticed his very first sentence, "Agriculture Minister Bill Newman and Premier William Davis do not intend to protect Ontario farmers from low prices for farm produce. This is the obvious conclusion to be drawn from the recently introduced agricultural stabilization Act." I know the member for York South quoted extensively from that same article in his speech on Tuesday but the fact that the president of the federation has so little confidence in the actual grass roots implementation and value of this bill, I think, is something which speaks for itself.

He says it's quite legitimate for the Ontario government to put pressure on the federal government; no doubt it's even considered fair game for the provincial minister to beat up on the federal minister if he wants to or if he can, but must he use Ontario farmers as the club?

Interjection.

Mr. Samis: I wonder why a man who is obviously dedicated to the best interests of the farmers of Ontario but who may not be in total agreement with everything this government does would use such strong language if this bill were so beneficial to the people who put him in his particular position?

While I would welcome the voluntary aspect, the contributory aspect, of the bill as a step forward and some of the modifications in the calculation of the cost of production are very obvious steps forward, I still feel that this bill is really giving the farmers of Ontario, who need something badly, a half loaf when they need a full loaf.

Mr. Nixon: I am always extremely interested in the remarks made by the member for Cornwall—I have a high regard for him—but there are one or two things he mentioned in his remarks which I want to refer to. I believe that being a man with his home and

his main interest in the city of Cornwall he is anxious to learn other views, particularly of those associated with the agricultural industry.

One of the things he referred to was, in his words, the myth of the family farm—

Mr. Samis: No, free enterprise.

Mr. Nixon: I'm sorry, Mr. Speaker, but I wrote it down when he said it. The myth of the family farm, particularly in his view, as opposed to the large corporate farm is really a serious misapprehension in his mind.

Mr. Samis: On a point of order.

Mr. Acting Speaker: The hon. member will state his point of order.

Mr. Samis: I said a variety of things but I am afraid that what the member for Brant-Oxford-Norfolk is doing is taking about four words of my speech out of context and trying to switch them to say or suggest that I would be against the family farm.

Mr. Reid: That's an NDP trick, isn't it?

Mr. Samis: Obviously this party wouldn't have fought for the bill if we were against family farms. That speaks for itself.

Mr. Acting Speaker: The hon. member will continue.

Mr. Nixon: If the hon. member is correcting me in that regard I certainly accept it. I invite him to look at the record because I'm as sure as I'm standing here that he said the words I wrote down. It may even have been a slip because if he said it, what he said is tantamount to a withdrawal.

Mr. Samis: That's the context.

Mr. Acting Speaker: Order, please. The hon. member for Brant-Oxford-Norfolk has the floor.

Mr. Nixon: I want to refer to his indication—and if he didn't say it the way I heard it, others certainly have—that somehow or other the family farm has no place in agriculture—

Mr. Samis: I never said that.

Mr. Nixon: —and particularly that it is the big corporate farms that are putting them out of business. Nothing could be further from the case.

There was a time, maybe a decade ago—perhaps it was not even that long ago; perhaps the knowledge and the philosophy that the hon. member is referring to is a bit out of date—when people were afraid for the continuation and the existence of the family farm. There were many speeches made in this House for programmes that would support it—sometimes artificially, if necessary—on the basis that it was a unit in the agricultural community almost as important as is the family in the social community itself.

In the experience of corporate farming, however, there has been the most tremendous waste of corporate funds and the most tremendous process of education as to how corporate approaches to farming are inadequate, wasteful, non-productive and just purely a mess. We have found in the last three years, or perhaps five years, that the family farm has come forward as the only viable agricultural unit, and anything other than that is something that does require a very special support if any government sees fit to support them. The family farm is the unit that has a real future in the agricultural economy of this province and this nation.

I would be delighted to trade whatever position I have in public life, or even in agriculture, for the situation of a man and his wife who are farming a couple of hundred acres with a milk quota and who have a son and a daughter who are interested in working with them. The've got one of the best kinds of lives that anyone could possibly have, and I believe that the remuneration, if they've got a quota, basically is about as good as it would be in any other course of reasonable endeavour.

Mr. Philip: Don't do that, Bob.

Mr. Nixon: It's unfortunate that not more farmers have been blessed with all of those purposes, because obviously many farmers are having a difficult time economically. I am one of the fortunate farmers with a bit of additional income from outside; the $15,000 indemnity I get goes very nicely with the income from our family farm.

You probably remember, following things as closely as you do, Mr. Speaker, it was in 1971 that I sold the milk quota that I had at that time; the cows had fulfilled that quota. While it was not a mistake for a number of reasons, I will tell you that on the basis of the economy those farmers who went out of dairying at that time and turned to beef, as some of us did, certainly now appreciate that while it's tough to get up at 5 o'clock in the morning, there are certain compensations, particularly when the milk cheque comes at the end of the month, which should not be sneezed at.

As a matter of fact, just to show how involved in farming I am, a week ago tonight I

got home rather late after the session and was informed that my charming wife had been running up and down Highawy 5 chasing 50 cows; she was very much in favour of getting out of the beef business without delay. However, that's another matter.

I did want to say that while I enjoyed the comments by the member for Cornwall and I invite him to examine the record, I certainly want to be very clear that anyone who is associated with the agriculture industry is not so much afraid of the family farm as we were a decade or even five years ago. It has been shown to be the effective economic unit both now and for the foreseeable future. The old NDP myth, the myth that somehow corporate farming is going to squeeze out the family farm, that is not correct and that is not one of the major threats that the farmers face at this time.

Mr. Samis: Lots of other problems, Bob.

Mr. Nixon: The other matter that the hon. member dealt with involved references by Gordon Hill to the bill that is before us. One of the things that concerned me, since I believe this legislation has far-reaching ramifications for the future, is that nobody seems to be interested in what is going on as we debate it in this House. I don't know whether it's the hon. member for Cornwall or myself who has driven everybody out of the House, but there are a couple of people unfamiliar to me in the press gallery—and I hope they are reporting for the farm publications—I don't see any members of the federation here. I don't see the agriculture critic of the NDP.

Mr. Bain: You haven't been here for the full debate either.

Mr. McClellan: Were you here, Bob?

[5:30]

Mr. Nixon: As a matter of fact, there's almost a certain degree of irrelevancy when we are debating the bill under these circumstances. However, be that as it may, it is our responsibility to put forward our views. The minister is here, the deputy is here, the former deputy was in the chamber a few minutes ago—and certain other officials of the Ministry of Agriculture and Food and it could be the changes in the bill are going to be forthcoming before the bill receives royal assent.

Mr. McClellan: Where were you until 5:15?

Mr. Nixon: Back to the comments made by the president of the federation. Gordon Hill commands the respect of farmers and of politicians on all sides. There's no doubt about that. I've known him well and we have had disagreements as well as agreement in this very field.

But I think it is important that the news release from the federation authored by Mr. Hill, and dated October 27, should be a part of the record.

Mr. Philip: We have got you on the record. That is the only reason you are not minister now.

Mr. Nixon: Because almost like politicians the leadership of the Federation of Agriculture probably finds that as time goes on their position tends to intensify and that the views expressed by Mr. Hill in the publication—

Mr. Samis: What does that mean, intensified?

Mr. Nixon: It means get stronger. The views expressed by Mr. Hill in the publication Farm and Country were extremely strong indeed compared with his official pronouncements given to all members of the Legislature under the date of October 27. I quote from what Mr. Hill says.

Mr. Hill explained: "We are very pleased with the changes the government has made in the legislation, but there are a couple of further amendments required if the programme is to be effective. We are very pleased that the programme is to be voluntary, that farmers are to contribute, that all commodities can be covered, that there's provision for consultation with farm organizations and that there's an opportunity for the federal government to share the cost."

Interjection.

Mr. Nixon: Now it is true that Mr. Hill went on and rather scathingly attacked the government for not providing a programme which would put more money into the agricultural community. I wish that were so, but I'm not at all sure that the money from public sources should be injected into the agricultural economy through a programme such as this.

I strongly believe that if an overall programme is going to be effective, it shouldn't cost a dime—that the money for the farmers and in the agricultural community has got to come from the consumers in the marketplace and that's got to be our primary goal.

If we are prepared, as are the NDP, to attempt to have it both ways—a phrase politicians use so often—with rock-bottom prices in the supermarket and the farmer getting a

good return as well, the only way to do that is to take money out of tax sources and give it to the farmers.

The farmers do not want that. I am a farmer and I speak for farmers and my neighbours and believe me they don't want it. They don't want to starve either. They don't want to go without their fair return.

Mr. Bain: They should get into politics like you.

Mr. Nixon: I believe that the best future that the Federation of Agriculture can promote for its members—and I happen to be a dues-paying one and I hope that many others here are as well—is to have a good, strong, growing farm organization which in fact will become, if not the single voice for farmers in this province, what is tantamount to a single voice for farmers and see to it that from the marketplace the primary producers get the proper economic return which will give them the cost of their investment as well as a decent return on their labour.

Now for the NDP to suggest that all of that money has to come from public funds is an indication of their commitment to the control of the state in agriculture, which is unacceptable.

Mr. McClellan: Our position is the same as the OFA's and you know it.

Mr. Speaker: Order, please.

Mr. Nixon: There is no way they can talk about cheap cost in stores and a good return to the farmers, without meaning that the state comes in with massive contributions in the programme they envisage and which we reject.

Interjections.

Mr. Nixon: It is a basic difference, and one that I'm proud of.

Interjections.

Mr. Nixon: Now the amendment to the previous bill did not mean that the minister had to return the bill with the changes that Mr. Hill referred to in his news release, and contributory aspects we've been talking about, and the fact that it's not a mandatory programme, and that there will be farm input—all of those things are acceptable and the Federation of Agriculture spokesman has accepted them.

Interjection.

Mr. Nixon: I would indicate as well that in the statement I referred to from Mr. Hill, he said there are three things that should be changed. I do want to refer to those three because, unfortunately, Mr. Hill and I and Mr. Hill and this party don't agree in total in all of them.

First, says Mr. Hill: "The big problem with the bill is that for all commodities it only supports the difference between 90 per cent of the five-year average price and 95 per cent of the five-year average price. That's okay for commodities with a federal stabilization plan but it's extremely punishing for commodities without a federal plan. In the absence of the federal plan, the provincial plan should provide full protection."

This is a difference of opinion which has already been expressed because there are those here who say if the Minister of Agriculture federally has not got them included in the federal plan, how do we know that he will include them in the future? It's a valid question because it may be that the will not include them in the future.

My colleague, our agricultural critic, the hon. member for Huron-Middlesex, has indicated that he has confidence that the federal plan can be expanded quite readily to include any programme that is requested by the growers concerned. I can say to you—and I may be naive but I don't believe I am—that I believe the federal programme can be expanded in such a way as well. There has been no indication in any instance where a viable request has been made of the federal authorities that has been turned down by Gene Whelan in this connection. There has been a question of what about a cow-calf operation programme? We have one already in the province of Ontario and, frankly, being associated with it myself, I would say it is a viable programme and I don't see why Gene Wheelan should stand up in the House of Commons and say: "Gosh, I don't think those people in Ontario should be spending that money. Let us spend it for them."

There would be no reason why Whelan, being a hard-headed farmer and taxpayer, would want to spend the money federally if somebody in the province of Ontario is going to spend it. In my view, this is the main reason why we should leave the bill as it is because there has been no indication in any statement from the federal minister and there has been nothing in our experience from the commodity groups that have requested designation under the federal programme that he would turn them down. Of course, there's an obvious reason why I would have perhaps more confidence in Mr.

Whelan than anybody else in the House. I know him well and I do have confidence in him. I do believe he is the best Minister of Agriculture that Canada has ever had.

Mr. Bain: There must have been some bad ones then.

Mr. Nixon: He has the interests of the farmers at heart and there is no reason in the world why a legitimate requested designation would be turned down.

Mr. Stokes: Does red meat make people ferocious?

Mr. Nixon: Mashed potatoes make them mild and that's what the member has been eating.

According to Mr. Hill, he says that's okay for commodities with a federal stabilization plan. He's concerned that there may not be a federal plan. We in the Liberal Party are convinced that if it is needed, there will be. Let me say further that if for any reason we are disappointed, then surely this House can take whatever action is necessary to provide that designation. There is no reason why that can't be done.

I just want to say again, going back to that cow-calf operation, the reason there isn't a federal one of significance applying in Ontario is that we have got one. How much of our money are we using to fund it this year?

Hon. W. Newman: About $22.5 million or $21.5 million.

Mr. Nixon: About $22 million. I would say again there is no reason why Whelan should get into it because we have pre-empted it. If we pre-empt all the other programmes, he is going to say: "Great, those rich Tories in Ontario are going to pay the bills for us and that's probably the way it should be because Ontario is a rich province." As a member here and a taxpayer, not only in Ontario but in Canada, I would prefer to pay only one and I would prefer if possible for the money to come from Ottawa. I believe if we amend the bill along the line of Mr. Hill's request, then we are going to interfere with federal initiative and I don't want to do that.

Mr. Shore: Are you guys scared of Mr. Hill?

Mr. Nixon: As for the second request from Mr. Hill, I quote from his news release of October 27. He said: "Secondly, the indexing system for adjusting payments to keep up with inflation should cover all production costs rather than just the items that the farmer must buy. This could include a return for the farmer's labour and investment."

I believe that this bill that is before us has been improved substantially from the costs that would have been included in the bill that was before us in the spring or early summer. They do not however include the cost of investment capital. And my colleague the member for Huron-Middlesex, when he was talking about this, made some facetious reference to "his friend, Bob Nixon, who didn't have to pay interest on his land."

That is correct. The farm I have has been in the family for five generations, and I don't believe any interest on the land has been paid after 1850. That is a tremendous advantage. It really is a tremendous advantage because the farmers that I compete with who have had to go for even government subsidized loans, pay very high interest rates indeed. And they have got to make those payments as well as payments in principal out of the same profits that are available to them as compared with me.

But suppose that Mr. Hill's suggestion that it could be included was followed and a programme establishing a price, including the interest payments were payable—

Interjection.

Mr. Nixon: Whether or not I would be eligible I think is academic. But let us say that the payments to farmers who do not have interest payments—and there are plenty of them in century farms; in our township half the farms are century farms, and I would predict there will be double century farms if you want to wait around long enough—

Interjection.

Mr. Speaker: Order, please. The interjections are not contributing to the debate.

Mr. Nixon: —the payments payable to them would be unfairly high, and we would have established a programme which would be to the benefit of the larger established farmers, rather than for the young farmers who should be relying on government programmes here to give them a decent return competitively from the marketplace, rather than some sort of an equalized handout that is going to put money in my pocket—that is an old, established farmer—rather than somebody who is trying to move forward in the competitive arrangement.

I submit to you that that objection to Mr. Hill's suggestion is a valid one. I referred it to a number of farmers and most of them agree with my contention. I would suggest

to you that even my friend from Cornwall, a most reasonable person, who says that he really favours the family farm—and I believe that he does, now that he knows the ramifications of his previous statement—

Mr. Samis: Don't take my statement out of context.

Interjections.

Mr. Nixon: —that even he would see that the cry from the NDP that all those interest costs have got to be included is superficial. It simply means they have not examined what will actually happen and means they are favouring a change which is going to put public money into the hands of the big farmers. Even the corporate farmers that the member for Cornwall is so concerned with.

Third—and I quote from Mr. Hill's release: "Finally, the support level is too rigid. The bill states that the support level must be 95 per cent of the five-year average price, adjusted for changes in some input costs. But in some commodities where overproduction is feared, producers may not want a support level that is that high."

For an opposition member to move an amendment that the level of support should not be 95 per cent but up to it, is very readily misunderstood by people who are only superficially involved with this important matter, because they say that member doesn't want to put money in the farmer's pocket. But here is a main spokesman for the farm community saying in some circumstances a support level of 95 per cent will in fact be an incentive, and that is the last thing we want.

I would hope the Minister of Agriculture and Food may in fact respond to that request from Mr. Hill and if he does we will have a chance to discuss it in committee.

Interjection.

Mr. Nixon: I don't know how important it is but it seems to make sense to me, because the big problem—let's say in one of the really strongly controlled producer items: milk—is that if you are going to have a good price where the farmer is going to make money on it then the production capacity is almost unlimited. If the farmer can make a reasonable return on the production of milk we can just float the community away in milk. That is what has happened and what got my friend Gene Whelan into some trouble, because particularly in the manufactured milk area there were not stringent enough production controls and the price went up far higher than it is in the competitive states like New York.

Mr. Samis: It should be.

Mr. Nixon: Well, the member lives next to the border, and he knows what the people can buy milk for across the border compared with Cornwall, so I am not saying that the price of milk is too high, far from it. I am saying if the price is at an incentive level then there must be the most rigid forms of control, because any farmer, like any businessman, is going to look at the regulations and say, "Ah ha, I can put on another five cows there, or I can buy a few more tons of concentrate, or I can do something else to produce more milk," because he wants to make money—and there's nothing wrong with that. That is precisely what the problem was in the milk marketing scheme over the last few months—the price was an incentive price and the controls weren't rigid enough.

[5:45]

Mr. Philip: Are you near the end of your speech?

Mr. Warner: This is just the preamble.

Mr. Nixon: Oh, no. I've got a long time to go yet. I just want to make another reference to one of the NDP statements which came from their agriculture critic, the member for York South. I agree with what the member for Cornwall said about the qualities of the member for York South. I've been at agricultural meetings where he would sit quietly in the back, ask questions when he wanted some information and where he really has done a good job on it. But he said something in his introductory remarks that really bothered me. If I were the member for Riverdale (Mr. Renwick) I would say "there is a philosophical difference between us." He said, and I wrote the words down as he said them: "Free enterprise does not exist in agriculture."

If he's right, all of the farmers in this province are wrong. And I'm telling you that they are not wrong. They are not wrong.

Mr. Samis: That is out of context.

Mr. Nixon: The context was precisely as I put it to you. He said that free enterprise does not exist in agriculture, and I would say—

Mr. Samis: Why don't you have some free enterprise, then?

Mr. Speaker: Order, please.

Mr. Nixon: —that it might not exist if, heaven help us, the NDP ever imposed their programme on the farm community of this province. They will not be imposing that programme because farmers are committed to the free enterprise system which is a workable system.

Mr. Bain: You would not impose anything then?

Mr. Speaker: Order, please.

Mr. Nixon: There are certainly controlled products. I've already spoken about milk. Tobacco and other important products that are grown in my constituency are rigidly controlled. It is so rigidly controlled by the vote of the farmers that the marketing board can fly over in an airplane and take a picture, they can go into the farmer's property without his leave, measure it off with a chain and rip out the rows of tobacco for which no direct marketing board authority has been obtained. That's just about the strictest control you could possibly have, and yet—

Mr. Warner: Where is that?

Mr. Nixon: All of the flue-cured tobacco in the province of Ontario.

Somebody just mentioned that there are violators. There are practically none, because in the farm community there is strong support for this kind of control. But even with that kind of control, the price of tobacco is low compared with the costs that the farmers have undertaken. There is real concern that even these rigid controls are not going to be sufficient to give the farmers the sort of return that they want.

The point is that if you are going to have a programme which included the points that the NDP have put forward so strongly, they would have to be accompanied by this sort of rigid control in every commodity, particularly the primary products. Milk is not a primary product. We're particularly talking about the grain crops and so on.

Mr. Speaker: Order, please.

Ms. Gigantes: What does voluntary mean?

Mr. Nixon: I'm telling you that the farmers in this province have got the most amazing capacity to produce products, primary and otherwise, if they can make any reasonable return on them at all. We, of course, are concerned about the retention of our productive food lands. But we are a long way from any food shortage in the market for which we grow in this province or in this country. Most of the farmers I know are idling along at about 30 per cent of what they could produce if they could make money out of what they grow. They're quite content to leave a field of alfalfa in for another year or two rather than rip it up when it starts to thin out—

Hon. W. Newman: Winter kill.

Mr. Nixon: —or winter kill, because the cost of the seed and so on, and what you can get for the hay or from the products of the hay just doesn't make it worthwhile. But if we had an economy where the farmers could make a profit from using their best talents, why our production would go up by at least a factor of three and perhaps a factor of five—maybe even more.

One of the things that attracted me to John Diefenbaker, almost enough to vote for him in 1958—not quite, not quite—is when he said to those western farmers, "Alvin, we'll sell your wheat, you just grow it." Wouldn't it be a marvellous thing in the farm community of Ontario if somehow somebody could say that to us and mean it, and we could believe in it? We could go out into our fields and grow. We would be able to produce food that would feed the Indian sub-continent—I'm telling you we would—because the production capacity of this province hasn't even been scratched.

So we're just talking about how unreasonable the approach from the NDP is. They're saying it's just voluntary. In other words, the farmers who choose to do so can make a contribution and get the kind of return they are talking about.

If there is an incentive, even a small incentive, to farmers who are very canny businessmen—believe me, there is nothing unsophisticated about farmers who are looking after their own businesses—they will detect that profit there. The farmers will move into it and the oversupply problem will be one which will make the oversupply problem in milk in the last few months seem like no problem at all.

I would say that we're going to offer some amendments. My colleague, the agriculture critic in our party, has referred to the fact that we want the farmers to have direct nomination to the board.

I'm a little concerned that there'll be one from the federation, one from the farmer's union and one from the Christian Farmers. I don't believe that's fair. It might be all right for starters but if we're going to have a farm stabilization programme which is going to exist and be meaningful and grow in its concept, I really think that commission is going to have to be directly responsible to the

farmers, like the Milk Marketing Board is, by election.

I really don't think it's good enough to have one from the federation, one from the union—which has 400 members, I read the other day—and one from the Christian Farmers. They're all very able organizations with good research and so on, but if there's any justice at all the federation, which is by far the largest and commands the responsibility and respect of most of the farmers, surely is going to expect a larger voice in the workings of that commission.

I hope somebody can put their minds to that because we have sweated about trying to put it forward in some fair way. I would think that if this is going to be established and is going to grow and become a real presence in the agricultural economy of the future, the appointment of that commission is going to have to be something other than the very simple aspect of the amendment, which I believe my colleague will be putting forward, for a representative from each organization.

I might as well let it go at that. I believe the bill is an important one. Obviously there are many inadequacies in it but if we establish this commission which is responsive to the farmers and not to anybody else—and I believe that's important—we will have taken a strong step in the right direction.

I should say that one of the things which concerns me about the responsibility of the minister is that he heads a ministry called Agriculture and Food. I believe those two things cannot go together in the sense that some people think they should. The consumers must be represented by somebody other than the Minister of Agriculture and Food, unless his job is to represent the farm industry and to assure the quality of the food and to ensure, as well, a viable farm industry economically and otherwise. If he's not doing that, then he's not doing his job.

All of us are concerned about the consumers. Since we sold the cows we drink more milk than we ever did before and I know about the price and all those things. We're all concerned about the consumers, but I believe that the Minister of Consumer and Commercial Relations (Mr. Handleman) ought to be worrying about the price and what happens in the middle operations and so on. I would suggest to the minister that if he wants to bring in some sort of an amendment which emphasizes that his responsibility is to the agricultural community I, for one, would support it.

Mr. Villeneuve: Mr. Speaker, could I adjourn the debate?

Mr. Speaker: We won't adjourn the debate. Could you not make a worthwhile contribution in five minutes and then continue afterwards please?

Mr. Villeneuve: Mr. Speaker, I support the bill. I do not say it's the last answer to all problems, but nevertheless a great transition has taken place since I first came here.

In 1948, I remember in our area the average farmer would have perhaps $5,000 invested in implements. Today, in a mechanical age, to keep modern—

Mr. Philip: Now he's $100,000 in debt.

Mr. Villeneuve: —and enlarge his operation, he's got $150,000 invested. Therefore, he's got to have some security because the elements, like weather, are something none of us can control. Supply and demand have control of the markets.

If we in Ontario alone took a parochial or provincial point of view, we would have no problems because we happen to have a third of the population in this country.

Mr. Samis: Not in the Ottawa Valley.

Mr. Villeneuve: Unfortunately, we've got to trade across the country where there are free boundaries and free access to other markets. To try to say that this should be a provincial bill without tie-ins with the federal bill is utterly impossible as I see it, because the federal government has reciprocal arrangements with the United States. They are tied with GATT contracts with the food-producing countries of the world. Therefore, there are many complicated factors that do not make it just quite as easy as it would appear.

My friend from Cornwall mentioned British Columbia. If you take it on the whole, British Columbia is a deficiency province. It doesn't produce sufficient agricultural products to feed its population. But take Alberta, right next to it. It produces 40 per cent of the top grade beef for Canada. After all, what will apply in the one place where there is a supply and demand shortage and in other places where they have a great surplus makes a great deal of difference when one has to control it. We've found that out with milk.

Mr. Philip: That is why we need a marketing board.

Mr. Villeneuve: Therefore, I can understand that certainly there may be amend-

ments that will improve the bill. I'm a free enterpriser. People opposite may think they may have the answers, but it takes the best brains in the country and we've got a long way to go to resolve these problems. I realize that.

In the time allotted to me—I'll make it as short as I can—I would point out that there are some products here that are covered that are not covered under the federal bill.

Mr. Speaker: If the hon. member is going to get into another branch of his talk, I would recognize the clock if it would be his wish.

The House recessed at 6 o'clock.

APPENDIX

(See page 5038)

Answers to questions were tabled as follows:

65. Mr. Angus: Inquiry of the ministry: Would the Minister of Government Services please list the previous owners of all property purchased by the government of Ontario in Thunder Bay in the last 10 years, including all properties purchased by provincial corporations?

Answer by the Minister of Government Services:

Attached is a listing of the previous owners of property purchased by the government of Ontario in Thunder Bay in the last 10 years.

Academy Heights Ltd.
Airlane Motor Hotel
Alf Cooper & Co. Ltd.
Belle, J. V.
Bertoni, B. & M. R.
Biloski Estate
Brooks
Brooks, F.
Burke, L.
The Canadian Legion Memorial Gardens (Fort William)
Canadian National Railway
Caruso, P.
Chiodo, R. & V.
City of Fort William
City of Port Arthur
City of Thunder Bay
De Jausserand, H. R.
Dunn, B. J.
D.V.L.A.
D.V.L.A. (Wilen)
Erickson, S.
Fallis
Fors, K.
Frigate Investments Ltd.
Galbraith
Gammond, N.
Gariepy, J. A.
Gibson, A.
Gibson, H.
Great Lakes Paper Co. Ltd.
Gwell Investments Ltd.
H.E.P.C.
Headway Corp. Ltd.
Holmes, H.
Holmes, P.
Home Smith Properties Ltd.
Huotari, V. M. & I. J.
Johnson
Kaija, M. A.
Kajorinne, J. & Ranta, E.
Kauranen
Kearney, G. A. & V. J. I.
Killens
Kivisto
King, D.
King, E. M.
Klausen, C.
Korpala
Lakehead Developers Ltd.
Landversicht Estate
Lannon
Luhtala, J. E.
Manera, A. S. & R.
Mayotte Construction Ltd.
McBlain
McGoldrick, E.
McGoldrick, J.
McLean, W.
Merlin, J. A.
Methot, E.
Michieli Bros.
Morrow
Mutis
Nash, L. E.
Nelson, L.
Ontario Hydro
Otway
Otway, Mr. & Mrs. A.
Otway, Mr. & Mrs. A. & Kathleen
Pepe, Messrs. Rocco, Antonio & Robert
Petrone, A. A.
Port Arthur YM-YWCA
Randle, D. E. & D. E.
P.U.C. (Port Arthur)
Ranta, E.
Raynard, J. A.
Richter, F. A.
Rigato, A.
Rochefort
Ross, L. C. & P. J.
Roussel, J.
Roussel, W. A.
Rusnak, J.
Schnarr, C.
Shell Oil
Shulist
Sirkkunen
Sluzar
Smallwood, B.
Smith, D. J.
Smith, R. M. & D.
Starczowski
Steinke, A.
Stevens Estate
Texaco Canada Ltd.
Thatcher, E. J.
Traer
Travaglini
Twin City Gas

Vaillant, C. J.
Vanden Bos
Van Schie, H. G. & C. A.
Vondrasek
Walas
Zatti, A.
Zavagnin, A. & C.
Survais Estate
Vladinrov, Anna & Grigorovich, Lena
Scarcello, Rosa & Attila
Filipovick, N.
Annuik, Michael Leo
C.P.R. Co.
Corp. City Fort Wm.
Corp. Mun. Shuniah
Heath, Wm. A.
Hill Estate
Peltola, Onmi & Lhmi
HEC Thunder Bay
Yasinski, Rosie
Ketonen, Impi
Ypma, John & Henry

111. Ms. Bryden: Inquiry of the ministry: 1. Would the Minister of Culture and Recreation report the total cost of the Sports Achievement Awards Banquet in Toronto on May 5, 1976, including printing and mailing of invitations, dinner, alcoholic beverages, tips, entertainment and any other costs attributable to the event? In addition, would he specify: 2. How many award winners attended? 3. How many MPPs attended? 4. How many public servants attended? 5. How many other persons attended?

Answer by the Minister of Culture and Recreation:

1. The total cost of the Ontario Sports Awards Banquet on May 5 was $20,921.83

Details		
Printing inviations	$ 725.00	
Mailing—covered by government mailing service, cost not identifiable; estimate		800.00
Banquet	17,564.65	
Wine with dinner	1,531.25	
Tips—15 per cent included in above		
Entertainment	725.00	
Head table reception	375.93	

2. The following guests were in attendance:

Award Winners	540
MPPs	41
Athletes from recent and previous Pan American Games	15
1976 Winter Olympic Games Team (Canada)	45
1976 Summer Olympic Games Team (Canada)	28
Provincial Sport Governing Body—Presidents and Executive Staff	126
Amateur sport programme representatives	63
Civil servants	50
Total in attendance	908

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No. 122



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Third Session of the 30th Parliament

Thursday, November 25, 1976

Evening Session

Speaker: Honourable Russell Daniel Rowe
Clerk: Roderick Lewis, QC

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LEGISLATURE OF ONTARIO

The House resumed at 8 p.m.

FARM INCOME STABILIZATION ACT
(concluded)

Resumption of the adjourned debate on the motion for second reading of Bill 131, An Act respecting Farm Income Stabilization.

Mr. Speaker: The hon. member for Stormont-Dundas-Glengarry.

Mr. Villeneuve: Mr. Speaker, when I moved the adjournment I was talking about the necessity of a stabilization Act—

Mr. Samis: Here is the minister, here he is.

Mr. Nixon: Just ran up from the Albany Club.

Hon. W. Newman: Never go there.

Mr. Nixon: Good for you, Bill.

Mr. Villeneuve: I was talking of the necessity of an Act being tied in with the federal stabilization Act because their jurisdiction has control of reciprocal trade arrangements and importation and therefore we've got to work in harmony together.

We know that the beef industry hasn't had a successful period in the last few years, and the federal Minister of Agriculture, Mr. Whelan, placed an embargo on New Zealand beef. Anyone knows it is produced much cheaper than ours because climatic conditions the year round are more favourable. The result was naturally that move to try to stabilize the industry. We in our particular part of the country are perhaps not as prosperous, because we have not enjoyed a fluid milk market. About 145 of our best and most prosperous farmers have enjoyed a fluid milk market in the city of Montreal for some 60 years. With the result of last week's election, we were a little bit nervous about what might happen in the future. But these people are well established; they've had income. As the hon. member who spoke before me stated, the owner of a century farm naturally is clear of debt and, it's very true, he can get into production very rapidly, because he's got the money to increase his herd and to increase production. Unfortunately, a young man or a newcomer starting up has got to borrow money; and when one borrows money and depends on income to meet those payments, it's a different story altogether.

I have stated that if we had taken a selfish attitude in the province of Ontario, we would have had no surplus of dairy products in the past 30 years, outside of possibly a little powder. We have tried to diversify our production so it would fit into different channels; 40 per cent goes into the fluid milk market and the rest into industrial products. The largest industrial milk processing plant in Canada happens to be in my riding. A few years ago I criticized some of the people on the Milk Marketing Board for doing away with small cheese factories because they have a place in society; they are needed to some extent. Nevertheless, all in all, one cannot stand in the way of progress.

This one large plant can process 2.2 million pounds a day. But, mind you, they cannot produce a pound of cheese; they have no milk to produce cheese. Here are some of the diversified products they make using liquid condensed milk: Ice cream mix; confectionery products, such as chocolate bars; sweetened and condensed milk puddings; baby food formulas; and fresh and whole condensed milk products. That plant is running at less than 40 per cent capacity today. They're bringing in milk from Quebec, if they can obtain it, and paying a higher price than the Milk Marketing Board price in Ontario. That is the situation that exists. I say to the minister that I find fault with our people who sat on the Canadian Dairy Commission.

Mr. Samis: Listen, Bill.

Mr. Villeneuve: I have said from the word go that when a farmer who is producing milk had to pay $8.60, plus transportation, which makes $9 a hundred, and if he can spill it on the ground, where it doesn't cost him money, it's little wonder there's a shortage of milk in eastern Ontario.

I have known farmers who have spilt as much as 700 pounds of milk a day. They save themselves $63 a day, which means over $1,900 a month. I do not blame Mr. Whelan for a system like that. The Canadian Dairy

Commission is made up of representation from coast to coast and, after all, he got poor advice.

Last year was an exceptional year. As the hon. member for Brant-Oxford-Norfolk (Mr. Nixon) has stated, it's easy to get into production. The hon. member for Cornwall (Mr. Samis) has quoted statistics about the farm population dwindling. That is correct. It has dwindled by over 75 per cent in the last 30 years but we are producing more milk than we ever did so it just goes to show we have the mechanics to produce it if the farmers get sufficient returns.

This is why I say it is so important for us to tie in with the federal government because of the larger field it has in its stabilization Act. After all, what has happened is exactly what my predecessor on the opposite side has said. Our milk revenues came up pretty well when we received a very substantial subsidy from the federal government but in the final analysis it proved it certainly was not the answer.

We were glutted with milk—not from Ontario but we have to look at the overall national picture—and the result was that instead of paying hundreds of millions of dollars, the federal Treasury people said, "We have to stop this. We have milk powder by the millions of tons which we cannot sell."

It's natural to try to curtail production but the way the federal people went about it was very disastrous as far as eastern Ontario is concerned. The people who could least afford it went into debt to try to build up their herds, to build better stable accommodation, to build better modern milk houses and get modern milking equipment. They sunk themselves in debt by planning on milking perhaps from 30 to 50 cows. Those men have taken the 15 per cent cut in just the same way as the man who produced a million pounds of milk.

Mr. Nixon: They were encouraged to do that by the provincial government.

Mr. Villeneuve: That is the part which is absolutely wrong. If a man has an industrial milk contract and produces a million pounds of milk a year, on the returns that gives him at the present prices I see no reason for any government to subsidize him.

The little fellow on the family farm, who is trying to pay off obligations and keep his family around him, doesn't put in 40 hours a week. That, to my friend from Cornwall, is why many of them are leaving the farms. They have to milk cows seven days a week, 12 hours apart. It is very enticing to go to Domtar for 40 hours a week and have as much money at the end of the week.

Mr. Samis: That's right. We agree on that.

Mr. Villeneuve: Nevertheless, I feel that with the cost of operations, the uncertainty of the weather elements and the many risks these people face, plus many long hours. this bill perhaps is overdue but it is better late than never. I do say and I repeat there is no way we can go independently. We have to tie ourselves in with the federal stabilization Act—

Mr. Samis: This is the weakest part of the member's speech.

Mr. Speaker: Order, please.

Mr. Villeneuve: —and therefore I believe we can regulate any of our problems. There is no question about it.

I see that two of the heads of the Canadian Dairy Commission were relieved of their positions in Ottawa and I have reason to believe that Mr. Whelan has become aware that they gave him bad advice. I will give him credit for getting rid of people he doesn't need. Nevertheless, I am in full harmony with this bill. I certainly expect that there will be amendments to it and if they will improve the bill I am all for them.

I want to say this about our farm organizations and I am speaking in particular of the federation. I am a member and have been and I think a lot of it but nevertheless I am not too sure today that they are not acting like real down-to-earth politicians. They are trying to see who can make the best deal.

[8:15]

That is not always applicable. Whether we like it or not, supply and demand, surplus and shortages are going to cause a variation in markets. That is why it's necessary to have some sort of a guarantee written into legislation that a farmer is not going to go broke. Many of them right now are having hardships in my area. The people we encouraged to improve their lot by increasing production a few years ago today find themselves being cut back in production and yet having serious obligations.

Mr. Samis: Tell us where you disagree with the OFA.

Mr. Speaker: Order, please.

Mr. Villeneuve: Mr. Speaker, before closing I would suggest to the minister—I have

said it before—that I think the federal legislation of five years should be cut down to three. The reason I say that is because I have seen the evidence. In 1972 we had a poor crop; you could buy soya bean meal on August 10, 1972, wholesale, for $118 a ton. The same soya bean meal on February 10, 1973, went to $540 a ton. How can the average farmer, on a fixed income, calculate his operation if he has no adjustments?

Interjection.

Mr. Speaker: Order, please.

Mr. Villeneuve: These are some of the problems he has to contend with; in spite of his revenue being greater today, Mr. Speaker, he's in the same position he was 30 years ago. He's still caught in a price squeeze. The things he has to sell do not follow as fast in an upward rise as the things he must buy. Therefore, I want to congratulate the minister for bringing in this legislation. It's not an easy piece of legislation, I can appreciate that.

Mr. G. I. Miller: There was a lot of tail-twisting.

Mr. Villeneuve: But on the other hand, if you put too great an incentive on some products you'll have a glut and you'll be worse off than ever. Let supply and demand and the private enterprise system look after it in that manner and you'll find it'll resolve its own solution.

Mr. Samis: That's what brought us here today.

Mr. Speaker: The hon. member for Etobicoke.

Mr. Philip: Thank you, Mr. Speaker. I must say that the Minister of Agriculture and Food (Mr. W. Newman), who is now leaving, must no doubt have been shaking in his boots listening to the excellent speech by the member for Stormont-Dundas-Glengarry (Mr. Villeneuve). He no doubt, has more to fear from him than he does from the hon. member for Huron-Middlesex (Mr. Riddell) now.

Mr. Angus: Watch it, Eddie, he's sneaking up behind—

Hon. W. Newman: I can't hear you over there.

Mr. Philip: I was listening with considerable interest to the speech by the member for Brant-Oxford-Norfolk who finally admitted that he couldn't make it as a farmer except from his augmented income from being a MPP. That was how he was able to keep his long-mortgaged farm in existence.

Mr. Reed: Listen, he could make it anywhere.

Mr. Nixon: Oh, we keep the burdocks down all right.

Mr. Philip: I wasn't sure exactly, Mr. Speaker, how his speech related to the bill. It seems to me that he spent most of his time attacking the OFA and Gordon Hill.

Mr. Breithaupt: This one doesn't relate much more to the bill.

Mr. Philip: But I can't help but think that if his leadership in the Liberal Party had been as strong as Gordon Hill's leadership was in the OFA, he might have been Minister of Agriculture and Food or Premier today, rather than a member of the third party.

Mr. Speaker: Can we get to the principle of the bill, please? Bill 131.

Mr. Breithaupt: Speak for the farmers in Etobicoke.

Mr. Philip: It's a pleasure to speak to the principle of the bill, Mr. Speaker.

Mr. Nixon: I thought the OFA paid your salary.

Mr. Philip: As a former employee of the Ontario Federation of Agriculture, I feel that I at least have had first-hand experience with the farmers in all parts of Ontario. And in conscience I cannot possibly vote for the present bill in this kind of form, for it's clearly manipulation of the farm community. I've invested too much time in working with farmers, standing up for their rights to descend to that kind of pragmatic politics. The remarks on the principle of the bill which were made by the hon. member for Huron-Middlesex cannot go unnoticed. I've already read the member's remarks to a number of key farm leaders in farm organizations in the province and, quite frankly, they're shocked. If there ever was a speech which could be used to demonstrate the depravity of the Liberal farm policy it's the speech made by the member for Huron-Middlesex.

Mr. Gaunt: Get off it.

Mr. Philip: It clearly demonstrates the strategy of the Liberal Party to play on the fears of the farmers. I can't help thinking

how embarrassed his colleague, the member for Huron-Bruce (Mr. Gaunt), would have felt had he been in the House. I was a little bit worried about the health of the former agricultural critic. I thought that perhaps he might have died from shock over the remarks made by the member for Grey who, I believe, in an earlier speech wanted to institutionalize or register or categorize or something like that—

Mr. Bain: To license.

Mr. Philip: —to license the farmers. I believe that was the word.

Mr. Breithaupt: He is more likely to die of boredom than he is of shock.

Mr. Philip: I hadn't realized there were that many Bolsheviks in Grey but I gather that one was elected on a Liberal ticket. Since the member was—

Mr. Makarchuk: Marxists-Leninists.

Hon. W. Newman: Get back to the bill.

Mr. Breithaupt: Maybe it will get better now.

Mr. Philip: If I may get back to the principle of the bill, Mr. Speaker—

Interjections.

Hon. Mr. Taylor: Too bad you don't understand it.

Mr. Philip: Since the member was speaking on the principle of the bill, I think it's only fair that some of the issues he raised be discussed if for no other reason than to demonstrate clearly where the lines are drawn on this bill. The lines, fairly simply, are the farm organizations, a majority of farmers and the NDP on one side; and the Liberals and the Conservatives on the other side.

Mr. Gaunt: Are you ever living in a dream world.

Mr. Makarchuk: Do you hear that?

Interjections.

Mr. Speaker: Order, please. The hon. member for Etobicoke with the bill.

An hon. member. No wonder you've got your hands in your pockets.

Mr. Philip: The member commenced his remarks by reading a letter, as some members may recall. The letter, I can only assume, reflects the member's own sentiments —that is, the sentiments of the Liberal agricultural critic—otherwise there'd be no point in reading it. The letter, members may recall, claims that only supply and demand make prices—nothing else. I believe those were his words or at least the words of the letter which he appeared to agree with.

We in the NDP agree with the statement. Leaders in key farm organizations, as a matter of fact, agree with that statement. Supply and demand do rule the marketplace in Ontario right now. The farmers supply and the multi-national wholesalers and retailers and speculators demand—that's supply and demand in Ontario.

It's little wonder that the farmers work for years with very little to show for it and that some have to augment their farm income by getting elected to the Legislature. That's the kind of system the member for Huron-Middlesex and the Minister of Agriculture and Food hold so dear, the free enterprise system for farmers.

Mr. Nixon: They paid your salary.

Mr. Breithaupt: I trust you are protecting your job so that you will have somewhere to return.

Mr. Philip: They are free to go bankrupt. The member, in speaking on the principle of the bill, comes down clearly against the process of orderly marketing and I hope that the farmers of Ontario realize that the provincial Liberals are now clearly in bed with Beryl Plumtree.

Hon. W. Newman: You would destroy marketing boards if you had your way.

Mr. Nixon: Beryl is a very nice lady.

Mr. Samis: Now you've done it—

Mr. Philip: We can understand—

Mr. Eakins: Now get down to the serious part of the bill.

Mr. Philip: I'm on the serious part of the bill. I'm dealing with the comments on the principle of the bill made by the Liberal agricultural critic and I don't think they should go unnoticed by the farmers of Ontario.

Mr. Nixon: Certainly not. It was a fine speech.

Mr. Philip: We can understand the camaraderie between the Liberals and the Conservatives on this bill. Just as the member

for Huron-Middlesex is against orderly marketing, so the Conservative Party appears to share this view. Why else would the federal caucus in Ottawa attack orderly marketing?

The prairie grain producers historically have voted for orderly marketing, but both the Liberals and Conservatives refuse to get off the fence and give the producers what they've asked for at one annual meeting after another, namely put all grains under the jurisdiction of the Canadian Wheat Marketing Board.

So here in Ontario it's the same old gang. The member for Huron-Middlesex next made the claim that many farmers say the plan has very little to offer them. We can agree with that, and we'll show this agreement by the way we vote on the reasoned amendment. It's too bad that the member and his colleagues won't have the guts, as we understand it, to vote with us and show the farmers exactly whose side they're on.

Mr. Breithaupt: Just be here to vote on the bill.

Mr. Philip: The member next talked about crop insurance. Mr. Speaker, I think the whole issue surrounding crop insurance has a number of principles that we can look at in terms of the present bill. The whole manner in which crop insurance was introduced and its administration bears a direct relationship to the present bill. What this government is doing is repeating the same old mistakes over again. If I may give a recent example of how crop insurance works in this province—

Mr. Sargent: Are you for or against it?

Mr. Philip: —one farmer I know was accepted for crop insurance, but then he came to make his claim and was rejected on grounds that he wasn't a farmer. Now the decision was based on his farm income for that year, the reason his farm income was so low was that his loss was so great. Some bureaucrat had decided that it's okay to be a farmer when you're paying the premiums, but when you go to get help that's when they decide whether you're a farmer or not.

Mr. Eaton: That is not the case.

Mr. Philip: You see the whole relationship to the present bill is either you build a negotiation process into the bill, or you build in the kind of weakness that we've had in crop insurance in this province. The very weakness of the agricultural programmes in this province has been that they've been directed at farmers rather than created with farmers. And it is very little wonder that the farmers are suspicious of government programmes.

The member for Huron-Middlesex talked about the danger of imposing quotas on farmers, but the very process that farm organizations and the NDP are advocating, namely the negotiating process which we would like to see built in as the essence of this bill, is the very safeguard against arbitrary government action. In refusing to stand firmly with us on the principle of negotiation, and vote with us, the Liberals are opening the door then to the possibility of more government intervention in farm business and in farm lives.

One of the things that has reinforced farmers' fears of government has been the whole process used to build up support for this bill. The ten meetings were clearly designed to talk at farmers rather than listen.

Mr. Eaton: How many were you at?

Mr. Philip: One need only talk to some of the farmers who attended. The staff at these meetings refused to allow any votes to be taken, or even to permit enough dialogue for any consensus to be arrived at. Clearly the minister is afraid to allow the natural democratic process to take place.

Hon. W. Newman: Come on—the farmer from Etobicoke.

Mr. Eaton: That's a lot of baloney.

Mr. Bain: The farmer from Forest Hill.

Hon. W. Newman: You don't even know how to cut the grass.

Mr. Speaker: Order, please, order. The hon. member for Etobicoke has the floor.

Mr. Philip: Mr. Speaker, I can assure the minister that I have listened to more farmers over the last four years than he has, and maybe if he'd start listening instead of talking at them he'd learn something that could improve this bill.

Hon. W. Newman: And you can spread it better than they can.

Mr. Angus: Did you say farmers spread it?

Hon. W. Newman: For a meaningful purpose.

Mr. Speaker: Order.

Mr. Philip: Like the Minister of Consumer and Commercial Relations (Mr. Handleman)

who established the farcical inter-departmental inquiry to give the appearance of participation to people in urban areas, so too the Minister of Agriculture and Food pulled the same old vaudeville routine on people in rural Ontario.

We can understand why the government didn't promote a frank and open discussion among farmers. Perhaps beef producers would realize that while they were paid $22 million on the cow-calf programme this year, they would only have received $2.2 million or in that vicinity were the present bill in effect; they would discover what could happen to them in three years' time when in fact they will be affected by this.

Perhaps a few more farmers would realize the cost of $70 million is merely a fantasy, and as Gordon Hill, the president of the Federation of Agriculture has pointed out, that for the government to spend that much would require that every farmer would have to enrol his full crop production and the plan would have to pay the maximum amount for every commodity in one year.

[8:30]

Even in Ontario, even under this government, the market conditions are not that bad. It's purely a fantasy. This bill, more than anything else that has come before this House to date, tells the people of Ontario what this government really thinks farmers are worth. The present bill only covers cash costs. The toil of the farmer in this province is worth nothing, according to the government. Voting for this bill means simply condoning the view of this government that the farmer is not worth a thing; that his toil is something that is somehow to be given away. I have worked too long with farmers, and I respect them too much, to fall into this kind of condescending attitude toward their endeavours. Therefore, I cannot possibly support the bill in its present form.

Mr. Eaton: How long did you work for the federation?

Mr. Riddell: On a point of order, Mr. Speaker.

Mr. Speaker: What is the point of order?

Mr. Riddell: At least six times in the former speaker's remarks he made reference to the member for Huron-Middlesex. I would just like to say that I was seriously thinking of sending my remarks out to the farmers in the community and, after listening to his remarks, I am more convinced than ever I am going to do it.

Mr. Speaker: Thank you. That's really not a point of order.

Mr. Samis: What is that a point of?

Mr. Speaker: It wasn't a point of order.

Mr. Philip: He doesn't need to, Mr. Speaker. We'll send his speech to constituents in his riding.

Mr. Samis: Are you an urban farmer, Ross?

Mr. Hall: I wish to make a few comments on Bill 131, because the subject of agriculture is important in my riding of Lincoln, and not because I am any farm expert, although I have many colleagues who are.

Mr. Bain: It is all right; neither is the member for Huron-Middlesex.

Mr. Hall: The Niagara region is an important agricultural area, with a 1975 dollar volume of something like $153 million, according to the editorial bureau of the city of St. Catharines. This includes roughly $12 million in cereal crops; $35 million in dairy products, beef, pork and sheep; $38 million in poultry, either meat or eggs; $3 million in vegetables; $1 million in sod; and $32 million in greenhouse flowers. Some 10 per cent, or $15.2 million, according to 1975 figures, is in tender fruit, being peaches, pears, sweet cherries, sour cherries, plums and prunes. Another 10 per cent, again around $15.2 million, is in grapes. For reasons of winter kill and cool, wet weather at blossom time this year, the tender fruit farmers didn't have a banner year by any means, and many more will be buying crop insurance next year. Grapes did have a big production but, following a large 1975 crop, they faced severe marketing problems and some growers took a real beating.

With agriculture in Niagara so topical, I was surprised—and so were some other Niagara farmers—that the September meeting wasn't held in Niagara, but instead was held in Ancaster. To the best of my recollection, there were four legislators present at Ancaster, three Liberals and one Conservative. At that meeting, like everyone else, I had difficulty recognizing the usual clear, calm tones of the minister, but at that time he wasn't saying anything different from what he said in June at any rate. But now we have a better document.

I have listened to and talked to the farmers in my riding. I talked to them quite a bit, I can assure you, when they were worried about the grape crop. Despite the fruit farmer having had a difficult year, I have to say that

not many have told me they want farm income stabilization. They want as little government as necessary. They are willing to take reasonable chances like any small businessman.

Mr. Philip: You guys haven't done your homework.

Mr. Hall: They are concerned about food and preservation—more so, by far, than anyone else. But they do need to sell their products. They want the major effort to be placed on market growth and protection from imports that are subsidized in the country of origin.

As everyone has said, farmers could grow more food now if they could sell it, and increased sales are the only production incentives they want. Artificial incentives would only make present marketing more difficult than ever. Trees and vines, Mother Nature, offer the only production management possible. So they don't need any amendments which would head in the direction of government incentives to overproduce and then have to face production controls later.

What the farmer does need is protection against production losses which would put him out of business, and a chance to have the odd good year. So I believe the farmers in the riding of Lincoln will accept Bill 131, with the changes the Liberal agricultural critic has mentioned, in one of his fine speeches.

The consumer has a stake in food production and its cost. It seems to me that for now a balance between the diverse interests of the grower and the consumer is present in this bill. The bill protects the farmer against the worst, on a voluntary basis in respect of the farmer input.

Further, Ontario should expect the federal government to share in the cost of support when it is needed. So I hope this bill will become law and that the minister will get going on expansion of markets for food that the farmer can produce in increased amounts if he can sell that production profitably. That is the only real incentive the farmers want.

Mr. Philip: Point of privilege Mr. Speaker. May I draw the Speaker's attention to one of the great farm leaders of this province who happens to be in the Speaker's gallery at the moment. Too bad the minister doesn't listen to him.

Hon. W. Newman: Mr. Speaker, may I present the president of the Ontario Federation of Agriculture, Mr. Gordon Hill. The member didn't know his name.

Mr. Philip: All right; I listen to him, you don't.

Mr. Eaton: He'll never get a job back at the federation now.

Mr. Riddell: He'll be looking for one after the next election.

Mr. Sargent: Why don't they let you go?

Mr. McCague: Mr. Speaker, the president of the Federation of Agriculture, Mr. Hill, having been duly introduced, I wonder if either one of those were a point of privilege. I had noticed Mr. Hill in the gallery much earlier, but I couldn't see him as the member for Etobicoke (Mr. Philip) was speaking. I'm sure he had slid down in his seat.

Mr. Eakins: He is going to enjoy your speech, George.

Mr. McCague: I was interested in the remarks of the hon. member for Brant-Oxford-Norfolk this afternoon regarding federal participation in all products up to the 90 per cent level. While it may be quite true that Mr. Whelan's problem is within his own cabinet, whereas our minister has the complete support of his colleagues, to my knowledge no commodity has been denied support by the federal government. I believe that we should proceed with the bill as presented with the hope and the trust that the government of Canada will do their part. This approach would, in my opinion, show our good faith and lead to positive results.

The NDP approach of mistrust would ultimately lead to confrontation which would be to the benefit of no one.

Mr. Riddell: That's what they thrive on.

Mr. McCague: Ottawa could help the agricultural community just as it has done with the Wheat Board. Why can the same consideration not be given other products? The system of duties and tariffs is out of date—we are dealing in cents per pound or unit whereas in the USA they deal in percentage of selling price. It appears that food and its products are being used as a bargaining tool on rural markets at the expense of Canadian farmers.

Mr. Philip: If the board is so good why don't you fellows put all the grain under it?

Mr. Samis: Wait till Kissinger hears about this.

Mr. McCague: The hon. member for Kent-Elgin (Mr. Spence) spoke of the initial reaction to crop insurance and the reluctance of farmers to even talk about it during the travels of the select committee. While the farm income stabilization bill may not be perfect I am certain it has many positive aspects which deserve the support of this House. If changes are necessary at a later date, I am confident this House will make the adjustments. In my opinion we should never feel that on the passing of bills we are engraving them in stone. We should be men enough to consider and enact changes as necessary.

There has been a lot of chatter about the disappearing food producer. While it is true that the number of farmers is decreasing, the size of family farms is increasing. It is worth noting, Mr. Speaker, that since 1970, the number of agricultural graduates returning to farms has increased each year. As well, many more are returning to the farm after two or three years in agriculturally-oriented jobs.

Mr. Speaker, not long ago I sent out a questionnaire to a thousand people in my riding and had 403 returns. One of the questions I asked was: "The Ontario government has proposed a farm income stabilization programme to protect farmers during periods of low market prices. The programme would set support levels equal to 90 per cent of the market prices for various commodities averaged over the previous five years and adjusted for increases in production costs."

These went to farmers, part-time farmers, urban dwellers and rural residents. Two hundred and thirteen were in favour of such a proposal, one hundred and fifty-eight were opposed, and 32 were undecided. Obviously these people would still support this enhanced programme.

Some of the comments they made were very interesting: "Supply and demand usually determines the price of an agricultural product; subsidy just keeps the inefficient farmer in business." We have heard a lot about further enriched programmes. We all know that the farmers do not want a programme which subsidizes the inefficient, and I concur 100 per cent with them.

Another constituent asks: "What has happened to the old law of supply and demand?" Another says: "Our efforts should be directed towards making farming a viable, competitive and profit-making business without massive intervention by government through grants and subsidies. Controls breed mediocrity and eliminate the incentive to be efficient." I certainly can agree with that.

Another says: "I believe we have a responsibility to the Third World nations that do not produce as much as is consumed. We must share our abundance in non-perishable food crops with those who have not." With this I agree, Mr. Speaker, but the cost of this will have to be shared by the developed countries because it cannot become a burden on the farmer.

Another person comments that: "Labour can buy a steak today for less time worked than at any time in my memory, yet a new clutch and regulator for my Ford 5000 tractor costs me $500. I have absolutely no control on the sale of my livestock, but I have to pay top retail price for anything I buy." I would comment that the person facing high input costs needs this kind of protection against bad years.

The member for Grey (Mr. McKessock) made reference this afternoon to my private member's Bill 162, An Act to Provide for the Designation and Retention of Food Lands. It was suggested that Bill 162 was submitted at the request of the government. Mr. Speaker, nothing could be further from the truth.

I received a copy of the Ontario Institute of Agrologists cabinet submission at the same time as replies to my questionnaire were being returned. I had put questions such as: "Do you support increased municipal control over agricultural land use planning and growth management with overall provincial guidelines?" Two hundred and forty-one said yes, and 140 said no.

"Do you support a system of comprehensive land-use controls based on local official plans and zoning bylaws for all class 1, 2 and 3 agricultural land?" Two hundred and seventy-three said yes and 96 said no.

[8:45]

I repeat again, Mr. Speaker, these replies were received equally from farmers, part-time farmers, urban dwellers and rural residents. The message was clear from the agrologists and my constituents and it simply confirmed my own conviction. Where were the members of the opposition parties? As I understand the procedure, any member can bring in a private bill on any subject not requiring the expenditure of money. Did the members over there not think the subject was important?

The comments of the Leader of the Opposition (Mr. Lewis), which he conveyed to the House, appear in Hansard. His comments were very interesting after hysteria had descended upon him. Just listen to this: "Mr. Lewis: Do you mean you are to freeze the

food lands? On a point of order, Mr. Speaker, this is a Tory freezing agricultural land?"

He's convinced of that but his final comment is the one that's really interesting: "Mr. Lewis: That is exactly what we wanted to do. You hypocrites over there. You got a backbencher to sneak it through."

Mr. Breithaupt: As though the bill was going to be passed anyway.

Mr. McCague: I think we all recognize that it's a private member's bill. The member for York South (Mr. MacDonald) is not a Bay Street farmer; he's a Burnside Drive farmer and he's not the old MacDonald who was referred to on the farm.

Mr. Peterson: Who is writing your jokes?

Mr. McCague: He has contested the fact that the bill can be properly administered by a commission as suggested in the bill.

Mr. Philip: By farmers; it is a good idea to involve farmers.

Mr. McCague: I think everyone in this House is aware that the Farm Products Marketing Board has worked well for the 23 boards under it. The bulk of the people responsible to this board and the Milk Commission are farmers. It is difficult to understand why this bill cannot be suitably administered as set out. I am sure he trusts the minister but maybe he doesn't trust the farmers.

Mr. Deputy Speaker: The hon. member for Timiskaming.

Mr. Bain: Thank you, Mr. Speaker.

Mr. Samis: This speech won't be read.

Mr. Bain: The bill before us this evening, Bill 131, is of great importance to the farm community and the people in general in this province. I'm not surprised that the present government would have the audacity to introduce the bill it did introduce when we stop to consider that this government is the one which removed control of schools from the hands of the rural population as it regionalized the school system in this province.

Hon. W. Newman: What bill are you talking about now?

Mr. Bain: The government across the way is the one which systematically destroyed rural communities with its regional government system, and even still refuses, I hear, to allow a vote of the people in Parry Sound to see whether they want it. Let the people decide.

Mr. Riddell: Is this on the principle of the bill?

Mr. Bain: It's not surprising either that this government—

Mr. Riddell: Nothing in this bill about regional government.

Mr. Bain: —would further wage war on rural communities by closing hospitals and withdrawing ambulance services. Bill 131 is typical of its attitude towards the rural communities. There is no sympathy for the rural community, no understanding and sometimes I wonder if the Tories really care about the rural communities.

Mr. Gordon Hill, president of the Ontario Federation of Agriculture, said in Farm and Country of November 16 this year—

Mr. Philip: If you don't listen to it once maybe you will listen a second, third, a fourth or a hundredth time.

Mr. Bain: —"The bill, as it stands, is of no significance to Ontario farmers. The provincial government does not want to shield farmers from disastrous prices." I agree with him. The Tories don't; they really don't.

If that is their objective, as I believe it is, the bill is going to achieve it. The bill will do absolutely nothing to assist the rural communities of this province.

Let's look at the farmland in this province which is going out of production. One can drive down any concession road and I'm sure every one of us can point to the vacant, empty farms; some of them are no longer being farmed at all. In my relatively short life in comparison to some of the government members who've been in the House for quite some time—

Mr. Godfrey: Too long.

Mr. Bain: It must be—I can go along concession roads in my riding, and there's no one living where 10 years ago there were people. As I said, some of those farms are not being farmed.

Some of the government ministers seem to think there is no farmland in northern Ontario—or as the Minister without Portfolio (Mr. Henderson) said, there were no NDP members who had substantial farm communities; he should know better than to say something like that. Timiskaming—I'm sure

the minister realizes there is an experimental farm and a college of education in New Liskeard, I'm sure he realizes that—Timiskaming has one of the best farming areas in this country and some of the best soil in the world. You can't tell me—

Hon. W. Newman: You can't even tell me what kind of soil it is. Tell me what they call it up there, what do they call it?

Mr. Bain: The best soil is the Earlton series.

Hon. W. Newman: Oh, come on; you don't even know the type of clay soil in the area.

Mr. Bain: I don't want to enumerate for the minister the soil types.

Mr. Nixon: Oh go ahead.

Hon. W. Newman: Well, don't tell me you know all about it then.

Mr. Bain: As I'm sure you realize your own ministry published an excellent map a few years ago with all the soils mapped out in the Englehart-New Liskeard area. I refer you to that in case you haven't read it.

Hon. W. Newman: I know the area well, probably as well as you do.

Mr. Bain: If you know then, you musn't have any sympathy for the rural community. The rural community in Timiskaming is founded on the basis of excellent soil and you can't beat the dairy farmers in Timiskaming, the cow-calf operators—

Mr. Shore: You are the most sympathetic person there is.

Mr. Bain: Thank you very much. I have a great sympathy for you in your particular predicament as well.

The farmers of Timiskaming have—

Interjections.

Mr. Bain: Mr. Speaker, I would hope that the time that's being wasted on interjections by the government side will be deducted from the time that's been allotted to them.

Mr. Maeck: We are happy to do that.

Mr. Bain: I hope so.

Mr. Deputy Speaker: That time wouldn't be near as significant if you'd addressed your remarks through the Chair rather than waving a red flag in front of them.

Mr. Bain: Mr. Speaker. I'd be happy to address my remarks through the Chair, because I'm sure the Chair is more sympathetic to the needs of the farm community than the government is or the Minister of Agriculture and Food.

Mr. Angus: Especially in the north.

Mr. Deputy Speaker: Thank you kindly.

Mr. Bain: Thank you, Mr. Speaker.

As I was saying, the need for a real farm income insurance programme is so great because every day more and more farmers leave the land, not because they want to but because they have no alternative. And most disturbing of all, there are young farmers who should be taking over the farm from their fathers, but I have a number of excellent farms in my riding where the fathers are discouraging their sons from staying on the family farm, the same as my father did every time I used to do a little bit of plowing. My father was not a full-time farmer; he had been raised on a farm—

Mr. Riddell: To think what you might have developed into.

Mr. Bain: —but like so many he couldn't make a living at farming and he worked at other things throughout his life.

Hon. W. Newman: And you didn't stay on the farm, that's what's wrong with you.

Mr. Bain: Like most of us whose roots are in the rural community, he always retained a small farm because he could never get it completely out of his blood. But any time I would be plowing or getting a big kick out of the oats I planted the year—

Hon. W. Newman: Your father was a fine man.

Mr. Bain: —I was in the 4-H Club, he'd always tell me not to get too involved, not to get too excited about farming because he didn't want to see me farming. The same thing is still being said, not by city people, but by farmers to the sons of farmers.

Mr. Shore: You know why, eh?

Mr. Sargent: You tell him, Marvin; you own a farm in downtown London.

Mr. Bain: They're not on marginal farms, they're on excellent full-time farms; some of them worth well over half a million dollars, but not in a real sense because the farmer doesn't receive a return. The farm income stabilization bill—

Mr. Riddell: Did your father want to see you become a socialist? I bet you hurt his feelings.

Mr. Deputy Speaker: The hon. member for Huron-Middlesex has had his fling for this debate.

Mr. Samis: Same fling tomorrow.

Mr. Bain: Although I don't want to belabour the point, Mr. Speaker there has been some discussion of free enterprise, this has been bandied around quite a bit. Free enterprise seems to be defined as handouts for the wealthy corporations and nothing for the rest of us, not even a decent system of farm income stabilization.

On the bill itself: That 95 per cent, that's what we're going to give the farmers is it? Ninety-five per cent as a stabilization price; and this 95 per cent is a five-year average price suggested for cash cost changes. The federal bill already provides 90, and so the minister is saying that the farmers of this province, as far as he is concerned, are worth a measly five per cent.

The commission: Five people appointed by the government and responsible to the government, not responsible to the farmers. That is one thing that absolutely has to be changed. The commission—

Hon. W. Newman: And nobody said it would be?

Mr. Philip: How would you like to negotiate?

Mr. Bain: I'm sure the minister will have his chance and that he will be allotted more time than I have been.

But even if you tamper with the commission a little bit, I would suggest—and this is one of the fundamental things in our reasoned amendment—I would suggest that negotiations take place. You don't merely tamper with the commission, you have the farm community and their organizations negotiate with the government. Also, and this is a point for the member for Huron-Middlesex, a commodity group or a particular group of farmers may not want a support price at all; and that's fine. They may feel that any support price would encourage overproduction and they as a group may not want a support price.

I am really surprised that the Liberals would turn this kind of legislation loose in this province. There are also supposed to be inspectors appointed by the minister. I can imagine these bureaucrats—Bill's bureaucrats—running all over the province inspecting things. That's the last thing the farmers need.

Hon. W. Newman: Not with my bill; but yours, yes.

Mr. Bain: That's the last thing they need. There is only going to be one saving grace for the farmers. These bureaucrats are only going to work during normal working hours so the farmer won't see them too long anyway. Most farmers will be working long after the bureaucrats have gone.

I do not want farm income stabilization administered by the government and I don't want it administered by bureaucrats. I want it administered by the farmers.

Mr. Shore: By the NDP, right?

Mr. Bain: That is the only way that you're going to have a decent programme. I don't care what the basic substance of the programme is, you're not going to have a decent programme until you have the farmers running it.

Mr. Shore: You will administer it.

Mr. Bain: I'll just point to one thing. I wrote the minister a letter dealing with the problem of the minister not allowing farmers' wives to be considered full partners for the capital grants. I sent the letter, dated June 10, and it probably left that day or a day or so later. I got an answer on November 8. It was dated in the minister's office October 29. June, July, August, September, October; now if that's efficiency for something as simple as an answer to a letter—

Mr. Deputy Speaker: That has nothing to do with the principle of this bill.

Mr. Bain: I would hate to see those same bureaucrats running the farm stabilization.

Hon. W. Newman: Why don't you talk to the member for Peterborough (Ms. Sandeman)? She could have told you the answer.

Mr. Bain: I know the answer. You told her the answer in the House and the answer was simply that you don't consider the work of the women on farm significant enough.

Hon. W. Newman: Mr. Speaker, on a point of order.

Mr. Deputy Speaker: Point of order.

Hon. W. Newman: Mr. Speaker, that's a very unfair, untrue statement and he should withdraw that statement. I answered that question in the House yesterday.

Mr. Deputy Speaker: I approve the withdrawal of that statement.

Mr. Bain: Mr. Speaker, may I continue?

Hon. W. Newman: Is he going to withdraw it?

Mr. Deputy Speaker: The minister has said that the member for Timiskaming has made an untrue statement. Is it untrue?

Mr. Bain: I don't think it's untrue. What was untrue in my statement?

Mr. Deputy Speaker: I don't think the minister can make that statement.

Hon. W. Newman: Mr. Speaker, I answered a question for the member for Peterborough yesterday as far as capital grants were concerned. I explained the situation to her yesterday, and the hon. member stands up and says—I've forgotten exactly what he did say—but in effect he said I ignored the women who are working on the farms and that is not true. And he had better retract that statement. Thank you, Mr. Speaker.

Mr. Deputy Speaker: Obviously it's nothing more than a difference of opinion—

Hon. W. Newman: Oh, come on.

Mr. Deputy Speaker: —but the minister cannot accuse another member of making an untrue statement. You're going to have to withdraw.

[9:00]

Some hon. members: Oh, oh.

Hon. W. Newman: Mr. Speaker, I don't want to get into an argument tonight with you or anyone else—

Mr. Deputy Speaker: You are not going to get into an argument with me. You are going to withdraw the accusation.

Interjections.

Mr. Deputy Speaker: I am waiting for the minister to withdraw the accusation.

Hon. W. Newman: I withdraw the accusation, Mr. Speaker—

Mr. Deputy Speaker: Fine.

Hon. W. Newman: —but, on a point of personal privilege, I would ask you to read the Hansard record for tonight and make your decision known to this House as to exactly what was said here tonight. I think it is very important, Mr. Speaker. Could I please have your assurance that you will do that?

Mr. Deputy Speaker: My only interest at this time is that you not accuse another member of making an untrue statement.

Mr. Good: Only the Premier (Mr. Davis) can do that and get away with it.

Mr. Deputy Speaker: I'll go over the record but that wasn't my understanding of what was said here just now.

Hon. Mr. Taylor: On a point of order, Mr. Speaker. I don't think there was any suggestion to any member on the part of the Minister of Agriculture and Food that that member was misleading the House.

Mr. Samis: He said it was an untrue statement.

Hon. Mr. Taylor: There was no accusation that the Minister of Agriculture and Food was misleading the House.

Mr. Deputy Speaker: There was no suggestion that anybody was misleading the House. The minister clearly said that the member for Timiskaming (Mr. Bain) made an untrue statement.

Hon. Mr. Taylor: He did.

Hon. W. Newman: He did. That's why I asked you to look at it.

Some hon. members: Name him, name him.

Mr. Deputy Speaker: The hon. member for Timiskaming will please continue uninterrupted and address his remarks through the Chair.

Mr. Bain: Thank you, Mr. Speaker. I won't deal with the other items in the bill at too great a length. We do admit that the bill is contributory—that was one of our original points—and it is voluntary; sure it is. But it doesn't make any difference whether the bill is voluntary and contributory if the real result of the bill is not to give the farmer a decent income. Five per cent, I think, totally negates any contributory or voluntary aspect. That's why we come back again to the negotiating part, which we feel is so essential.

I would remind the Liberals of their amendment to our reasoned amendment in the spring. Although we meant to say it, we never really put "negotiating" in our amendment; it was the Liberals who drew this to

our attention and were kind enough to put in the words, "negotiating with legally constituted farm spokesmen." I do not call the kinds of meetings that the minister had across the province on October 4 negotiating with anybody. That is one of the key things, I think.

Mr. Godfrey: Just playing around.

Mr. Bain: The "cash cost" thing is very interesting. What I find most objectionable is that farm family labour will not be considered as a cost input. The minister can tell me whatever he wants, but I don't see how he considers family farm labour to be important if he won't allow it as a cost. What the minister is saying is that farmers should expect to work for nothing.

If the cow-calf programme were under this bill, I hate to think of the consequences. We have already had a number of speakers mention that instead of getting $22.5 million, the cow-calf operators would have got about $2 million. That just is not good enough. There are a lot of things in something like this that come to one's mind.

The provincial government—and I quote again from Mr. Hill; I will read an excerpt from something he said in his column on April 27 in Farm and Country:

"While other provincial governments fostered agricultural development Ontario focused on industrial development. The captains of industry had the government's ear and funds were shovelled into the cities. Farmers had to be satisfied with the hind teats."

I would only like to add that that is not good enough and that it is still the government's policy, as far as I can see. Since the minister has a farm background, I am sure he will appreciate that my parents-in-law once had a sow with seven teats. The minister, as a farmer, knows what use that was. It was the same use as his bill. His bill is about as useless as a sow with seven teats, and he should do the same to his bill as my parents-in-law did with that sow—they killed it.

Interjections.

Mr. Bain: Mr. Speaker, I will conclude by saying that Bill 131 is totally ineffectual. It will do nothing for farmers in this province.

Hon. Mr. Taylor: That's unparliamentary language.

Interjections.

Mr. Bain: The farm community is too important in this province to be sold a bill of goods such as this. This bill may be good enough for some of the minister's colleagues in this House but it's not good enough for the farmers. I defy him to try to sell that bill to the farmers of this province, in the sales barns of this province.

Mr. Shore: For your parents-in-law—

Interjections.

Mr. G. I. Miller: Mr. Speaker, it certainly is a privilege for me to stand up and speak to Bill 131—

Mr. Sweeney: Here's a real farmer talking.

Mr. G. I. Miller: —which I feel is going to be an asset for the agricultural industry of Ontario. I'd like to point out that food is the absolute No. 1 priority in sustaining life and it is something which everyone needs, regardless of station, on a more or less equal basis.

Mr. MacDonald: No kidding.

Mr. G. I. Miller: Before I get to the bill, I'd like to bring to members' attention and to the attention of the Minister of Agriculture and Food a few things which concern me as far as agriculture is concerned in Ontario. I think we have a tremendous amount of ability to produce food. We have the people who would like to do it but we don't seem to be competing in the markets as well as we might.

In the estimates last spring, I asked a few questions and I found that Ontario is exporting something like $599 million worth of produce a year and importing $935 million dollars worth of produce. Import values exceeded export values by 56 per cent in 1973. In 1974 we exported $666 million worth of food and imported $1.183 billion worth of food, which means we imported 78 per cent more than we exported. That has to be of real concern to me as a farmer and I ask myself why this has to happen.

Perhaps it is the leadership we've had from the Conservative government over the past few years. As a member of the Liberal caucus I feel it's our responsibility in a minority government to provide some constructive criticism. In Ontario, the decline in farm land used for food production is directly linked to the uncertain prospects for adequate farm incomes. Farming does not bring returns on land as great as almost any urban or industrial use.

Net farm income last year in Ontario dropped 2.7 per cent and in 1976 in Ontario there will be a further decline of 10 per cent. I don't know what other part or segment of society has to contend with a drop in income in this age of inflation. As a matter of fact, the Department of Agriculture for Canada predicts that up to a 25 per cent drop in net farm income this year across Canada is a possibility.

I think members can see there certainly has to be some effort put forth to take the ups and downs out of producing the agriculture produce we have to sell.

If we look at the beef industry this year, I think it is at perhaps depression prices. Good beef was down as low as 38 cents and much lower even than that. When wages are anywhere from $7 to $10 to $12 an hour in many instances I think it is incredible that we can allow our beef industry to suffer to this extent.

I noticed, too, as the corn harvest came off that the price of corn today, I believe, is $2. By the time we pay perhaps 50 cents for drying, we'll end up with $1.50 and again the farmer is at the mercy of the market. I think this government and this House has a responsibility to provide some stability.

It was brought to my attention recently, too, by one of our members, that one of our Canadian representatives at the United Nations made this statement:

"The developing countries were warned in the UN yesterday that mass starvation could occur in some parts of the world as early as 1985 if they did not quickly move to increase their food production. Geoffrey Bruce, Canada's deputy permanent representative to the UN, told the economic committee that it has become clear that the current increase in population is outpacing the increase in food production in the Third World and Canada has made huge amounts of food available for the struggle against hunger, contributing more than $100 million alone this year." I think that indicates agriculture will come into its own. I think we have to protect it. I think we have to show some leadership.

There was another concern of mine this year when the grape crop was harvested. About 5,000 tons of grapes grown in the Niagara peninsula this year will be without markets, according to Keith Matthie, secretary manager of the Ontario Grape Growers Marketing Board. He said: "Losses will be incurred despite assistance by the board and the provincial and federal governments."

It just points out further that we have to show some leadership. It is too bad to have these farm products going to waste when we can produce them. I think we also have to send a challenge to our producers that we have to be competitive. And not only has the farmer to be competitive, I think all aspects of the industry in general have to be competitive. We can't ask our farmers to work from 7 a.m. to 7.30 p.m. I was just thinking when I was sitting here tonight that my two boys were harvesting the corn this year. They got their crop off in good shape but they are at the mercy of the markets through their corn crops. They get up at 6.30 in the morning, and work through to 7 o'clock at night. They have their fun as they go along but it's not an easy life on the farm, and I think that we have to take this into consideration.

I think we have to have strong spokesmen here at Queen's Park and at Ottawa to speak up on their behalf. I had the right to have the free enterprise system; I had the right to build my home; I worked hard and I got repaid for it. I think we have to think about this for our young farmers. Give them the opportunity and they will do the job for us.

I know there is some concern in this farm bill at what it is going to cost the province. I think it has been estimated that it is possible the cost could be $60 million to $70 million. I don't think we can come up with an exact figure, but I did a little calculating this afternoon. As I look at the agricultural budget, I think something like $171 million is being spent in 1976-77, out of a total expenditure for the province of Ontario of $12.576 million. I think that points out that 1.359 per cent of our total budget goes toward assisting agriculture in all its aspects. I think that's a pretty small price to pay for such an important commodity, and I think we have to consider that.

I know a lot of farmers don't want handouts. I didn't want a handout and we never received one, with the exception we were able to borrow money at a lesser rate. We did have some tax advantages. I think we can still come up, in Bill 131, with the same type of protection under the free enterprise system.

When the bill was first brought in back in June and we couldn't agree to it, I think it wasn't giving enough coverage to enough produce. Of course, we sent it back. But during the summer months we met with many farm organizations—by "we" I mean the Liberal caucus—because we wanted to be responsible and come in with what the

people felt they needed, the people in the farming communities, the farm organizations.

[9:15]

We met with all the organizations over the summer, and again, I would like to just make a comment that the Federation of Agriculture, which represents the largest segment of the agriculture industry, indicated back in June that it was almost of no potential benefit to the Ontario farmers and they couldn't accept it. The farmers' union, we discussed it with them; I think it wasn't acceptable to them. The Christian Farmer's Union; I think they are the most free enterprise group of any of the organizations and they couldn't accept it.

So after deliberating and trying to have concrete and good proposals and suggestions for the Minister of Agriculture and Food to bring into this bill, we came up with a recommendation that a programme for commodities would be developed if the majority of producers and the community gave them support. I think we want to have these farm organizations very much involved. Whether it's the milk board, or the beef producers, I think we have to go to each individual organization and they should have a lot of input. I think it has to be on a voluntary basis and I think the controls have to be set up in such a way that we don't encourage overproduction and there should be protection against the bottom falling out of the market—those ups and down should be taken out of it.

I think this bill will do it. We don't know exactly what affect it will have, but the only way we're really going to find out is to get it into action, so consequently I hope that we can come up with a satisfactory solution for it in Bill 131, and I hope the minister will listen to the input that we would like to have, because it's constructive.

Again it's a privilege to have an opportunity to speak on this bill and I just hope that it does the job. I might point out too that I took a survey during the last summer before I closed for the farmers who were in favour. It was strictly a question to the farmers in my riding and the replies that I got back indicated that 42 per cent were in favour, 42 per cent were in doubt and 16 per cent had no opinion. But I think it indicates that the farmers really don't understand it. If it can keep young farmers coming on, if it can keep the free enterprise system working to the best degree it can work under the system today, I think we've accomplished much and I think this is the goal we want to strive towards.

Mr. Eaton: I'd like to rise and just say a few quick words in support of this legislation and in opposition to the amendment put forth by the opposition parties.

In rising to speak to this bill I have to say I was sorry that I missed the debate on Tuesday night. But, however, I was out where there were a group of some 300 farmers and I'm sure that I got much more out of that than listening to some of the drivel that was coming from the opposition parties.

Mr. Sargent: I'll bet the farmers didn't though.

Mr. Eaton: I think that in reading the letter that was put in by the member for Huron-Middlesex—

Mr. Sweeney: Get the shovel out. It's starting to pile up around you. Get the shovel.

Interjections.

Mr. Eaton: In reading the letter that was put in by the member for Huron-Middlesex, it said a lot.

Interjection.

Mr. MacDonald: Your embracing of the Liberals is obscene.

Mr. Eaton: And in reading it I knew exactly where it came from, because I had a copy of it; it came from a neighbour of mine. It came from a neighbour who came to this country and in our free enterprise system had the opportunity to work and build a family farm for himself. You know, when the member for Etobicoke pooh-poohed that letter, he was pooh-poohing an opportunity that those people appreciated. They were simply pointing out that they appreciated that opportunity and they hoped that people would continue to have that opportunity in this province.

Mr. Philip: You lack leadership in explaining to them the real farm issues.

Mr. Deputy Speaker: The hon. member for Etobicoke does not have the floor.

Mr. Shore: You'll straighten them out, Ed; you'll take care of them.

Mr. Eaton: You know, the member for Etobicoke—

Mr. Shore: You'll be all right, Ed.

Mr. Eaton: —was pointing out a number of things in his great experience with the Federation of Agriculture—

Mr. Shore: That's right.

Mr. Eaton: —I met a couple of people who were members of the federation and knew him who said they were glad he was elected here because they got rid of him.

Interjections.

Mr. MacDonald: Would you like me to tell you what some people have said about your role in the federation?

Mr. Eaton: And you know, the member for Etobicoke made another statement—

Interjections.

Mr. Eaton: The member for Etobicoke made another statement that I would like to have him place on the record. He indicated—

Mr. Ferris: One more election and the bean growers will have you back. They deserve you.

Mr. Eaton: He indicated—

Mr. Ferris: They're going to get you next time.

Mr. Eaton: —that someone in this province—

Mr. Deputy Speaker: Will the member for London South try to cool it?

Mr. Eaton: He indicated that a producer in this province paid a premium to the crop insurance commission and then was told that he couldn't collect on it because he didn't have enough income. I challenge the member to place the name of that man and his situation in this House so that it can be checked into with the crop insurance commission.

Mr. Philip: Be glad to.

Mr. Lane: He's always making those insinuations. He can't back them up.

Mr. MacDonald: He's a responsible member.

Mr. Eaton: I'd like to refer a little bit more to that letter that came in, because I think it represents the views of many producers in this province.

You know, there was an indication that the views expressed at the meetings across this province represented the total view. Well, I'll tell you, at the meeting I went to there were about 65 or 70 farmers from five or six counties. I was on more farms in my riding this summer than there were farmers at that meeting—in fact about three times as many—and I'll tell you they weren't buying the kind of stabilization programme that the socialists would propose in this province.

They said they didn't want a programme that would give incentives, that would lead to supply management and control by the government as the NDP plan would require.

Mr. MacDonald: They don't need to have it if they don't want it. It is voluntary.

Mr. Eaton: You know, the opposition is indicating that they're listening to the farmers out there. I'll challenge the NDP to visit as many farms as I've been on or the member for Etobicoke who was with the federation.

Mr. Philip: I have visited more farms than you ever have.

Mr. Eaton: I tell you I've probably been on more farms in southwestern Ontario than all of them put together.

Mr. MacDonald: I've been on more farms than you'll ever get to.

Mr. Eaton: And you're not expressing the views of the producers when you express some of the things that you were saying.

Mr. Ferris: Half of your people didn't vote for you.

Mr. Eaton: The member for Cornwall went to great extremes to indicate how fewer farms were operating in his area, but he never indicated the increase in production that we have in this province. That increase in production came about from the family farms that he was pooh-poohing, from the family farms which had the initiative and incentive to go ahead and do a job to build their farms and make agriculture strong as it is in this province.

Mr. Samis: Did you listen to your colleague from Stormont-Dundas-Glengarry?

Mr. Eaton: You know, Mr. MacDonald does a disservice to agriculture when he puts out a statement saying that roughly half the farms in this province are on the verge of bankruptcy.

Mr. Shore: Who said that?

Mr. MacDonald: Who says?

Mr. Eaton: A quote right from the member.

Mr. MacDonald: Where, Mr. Speaker? Would the member identify that, please?

Mr. Eaton: That's a release for the press, after your statements downstairs when you were talking about the farm income stabilization plan.

Mr. MacDonald: I never made such a statement.

An hon. member: Shame, Donald. Shame.

Mr. Eaton: I'll send you over a copy. It's there. It was in the press.

Mr. MacDonald: I never made such a statement.

Mr. Eaton: I'll read it: "Donald MacDonald, NDP agriculture critic, said roughly half the farmers in the province are on the verge of bankruptcy. He said 40 per cent of Ontario farmers left farming in the last 10 years and of those remaining, more than 50 per cent are only part-timers."

Mr. MacDonald: That's right.

Mr. Wiseman: Oh, now you're changing your mind.

Mr. MacDonald: Mr. Speaker, on a point of privilege or on a point of correction. I didn't say they were on the verge of bankruptcy. I said they couldn't make a living on the farms, therefore they were part-time farmers.

Mr. Eaton: That's not the way the statement reads.

Mr. MacDonald: The newspaperman said that. The latter part is the same and I stand by it.

Mr. Eaton: But anyway, just go on about that statement. What's wrong with the part-time farmers? Many of the people that want to get into it get in the way.

Mr. MacDonald: Because they'd like to do it full-time but they can't afford it.

Mr. Eaton: Many get in that way. And when they bring in legislation such as they are proposing in their amendments, then they're eliminating those people because they're going to have such strict controls—

Mr. MacDonald: Nonsense. How?

Mr. Eaton: —to support the kind of programme they're talking about that the farmers won't be able to get into it.

Mr. MacDonald: How are we eliminating them? It is voluntary and they don't need to come in.

Mr. Shore: You have been snowed.

Mr. Eaton: I think we can go a little farther. They keep talking about how much money it means. It is going to be $70 million and it should be $140 million. Why do they always have to think about how much money they're going to spend on the programme? The programme would be the greatest success if it was at that support level and never used because that would mean the prices are going to be much higher and the money would be much better spent in other programmes we have, such as our tile drainage programme which is putting strength into agriculture through capital investment.

Mr. MacDonald: Why are you trying to kid the public about your $70 million?

Mr. Peterson: Are you having another study on that?

Mr. Samis: Tell us about the $160 million.

Mr. Deputy Speaker: Order, please. The hon. member for Middlesex will continue.

Mr. Peterson: He is doing so poorly, though, Mr. Speaker.

Mr. Eaton: They referred quite frequently to our marketing legislation brought in in 1942. I think we can be proud of that marketing legislation. Much of it has been used by our producers to get themselves a price in the marketplace. That's the way it should be. The opportunity is there for producers who want to work together to make use of that legislation to get their money out of the marketplace.

Mr. Laughren: The minister doesn't want to hear this.

Mr. Eaton: I think they're trying to play two sides of it because in that same statement he goes on to say, "I have no idea what the Liberals will do. The NDP considers this issue—"

Mr. Ferris: You should have written him a better speech.

Mr. Peterson: He will never take the minister's job; he has nothing to worry about.

Mr. Eaton: "—of stable farm community and preservation of agriculture land, with the implications for food prices, as a very powerful urban issue." Urban issue? Maybe

they've realized that it's not such a great issue in the rural parts. Maybe they feel that by coming in with a subsidy they can keep the food prices down—

Mr. Philip: How come you are not attacking the OFA tonight? Where is your OFA speech?

Mr. MacDonald: We don't talk differently in the rural areas.

Mr. Eaton: —and end up subsidizing the farmers at a level which just gives them a bare income. That's about what will happen with the kind of amendments they're proposing.

Mr. Wiseman: They talk out of both sides of their mouths.

Mr. Wildman: That is what you are doing.

Mr. Philip: Where is your anti-OFA speech tonight?

Mr. Eaton: I think we have to put this legislation through the way it is and give it an opportunity to work. I don't think we can stand by and say that farmers are going bankrupt, there's no interest, no one will go into farming, and that the farm community is in a poor state. The interest in farming, the interest of people going to agricultural colleges is the highest it has ever been.

I had the opportunity on Saturday night to be with some of my former classmates from 20 years ago at ag school; some from the class of 15 years ago, 10 years ago, and five years ago. They weren't talking gloom in agriculture because they had gone out and worked hard to make their way in it and felt they were doing quite well. I think the members really do them a disservice. I think the opportunity should be there for the free enterprise system—

Mr. Samis: Did you hear the speech of the member for Stormont-Dundas-Glengarry?

Mr. Eaton: —for the individual who wants to get started.

Mr. Mackenzie: He did the retraining?

Mr. Eaton: I think I can refer to may own situation—the member for Brant-Oxford-Norfolk referred to his in the same way.

Mr. Shore: Why don't you organize him?

Mr. Eaton: I came out of school with money owing on my schooling and worked a couple of years to get a down payment on a farm.

Mr. Peterson: You don't have to pay to go to grade 2.

Mr. Acting Speaker: Order please.

Mr. Eaton: I was able to work and have my own place because I had the opportunity to enter that market and work. I think we have a bill which can put some guarantee under there. It won't make a profit for people; it won't guarantee the farmer a profit and cause over-production, or cause incentives which will lead to state control such as some people in the House, in the opposition, would promote.

Mr. MacDonald: Nonsense.

Mr. Eakins: Mr. Speaker, I consider it a pleasure and a privilege to be able to rise and partake briefly in this debate tonight and to bring members some of the viewpoints of the farm people of the great riding of Victoria and Haliburton county.

Mr. Nixon: Is that Mr. Frost's old riding?

Mr. Eakins: I live in the rural township of Ops and have only three acres and a horse. It doesn't constitute, I suppose, much of an authority to make the minister sit up and listen.

Mr. Peterson: Which end of the horse do you have?

[9:30]

Mr. Eakins: But it is three acres more than my friends' to the right.

Mr. Shore: They have more horses than you do.

Mr. Eakins: I am sure, Mr. Speaker, that I need to say very little following the very excellent presentation to this House by my colleagues and spokesmen for our party, the hon. member for Huron-Middlesex and the hon. member for Brant-Oxford-Norfolk.

Mr. Bain: What about the hon. member for Grey?

Mr. Acting Speaker: Order, please. The hon. member for Victoria-Haliburton has the floor. Would you give him the courtesy of listening to him?

Mr. Eakins: I am sure, Mr. Speaker, that the hon. member who follows me will give the members to the right a lesson in agriculture.

Mr. Nixon: Knee deep.

Mr. Makarchuk: No doubt about it, he has been hiding it out for a long time.

Mr. Eakins: I am very pleased, Mr. Speaker, to rise to support Bill 131 on second reading, because we believe in the principle of the bill. Last June we asked that the original bill be referred back to the government to have incorporated therein the principles of a farm income stabilization plan which would be open to the producers of all farm products on a voluntary and contributory basis, with the government negotiating with legally-constituted farm spokesmen—

Mr. Bain: What negotiations have ever taken place?

Mr. MacDonald: How are they going to do that?

Mr. Eakins: —and with assurance that the government provide a public forum for full discussion with the farm community before reintroduction of the bill. As far as we are concerned, the government in most ways has met these demands. The government has consulted with the farm people, though I must say that the meeting I attended in Campbellford was a very hastily arranged meeting and not as many farmers were present as should have been, but at least there was some opportunity for consultation.

Mr. Bain: It was a sop.

Mr. Eakins: The government has set up a plan on a voluntary contributory basis. There is provision in the bill where the commission that has been established can consult with the producer organizations and the producers themselves in order to arrive at a stabilized price. I feel it would be irresponsible for the members to oppose a bill where the demands have actually been met. We are not saying that we don't have some misgivings about the bill, but we support in principle what the government has done.

We are prepared to bring in some amendments when the bill goes into committee, but I am sure they will be amendments the minister is already familiar with. He has received word from some of the farm organizations as to what they think should be incorporated in this bill. The various farm organizations are prepared to support this bill if some of the amendments are made that we feel should be made.

Mr. MacDonald: It is not the Farmers' Union bill.

Mr. Eakins: I think it would be interesting, Mr. Speaker, to quote a summary of the young farmers' conference which was held at the Prince Hotel in Toronto on March 8. I just want to quote from their report on income stabilization.

Mr. Samis: That was an expensive affair.

Mr. Eakins: Delegates strongly endorsed that the agricultural industry should be in strong and healthy economic condition so that the individual producer can derive a satisfactory income by applying sound management practices to his own farm operation. Efficient producers should be able to derive a satisfactory income from the market and protection should not be provided for inefficient producers. Stabilization of farm income or provision of a guaranteed income was rejected. In fact, the majority supported the position of asking government to stop planning any further income stabilization programmes.

Mr. Wildman: Are you going to vote against this bill? Why are you going to vote for it?

Mr. Eakins: However, programmes now being used by marketing boards to provide price stability to some commodities were quite acceptable. There was also some support for voluntary, farmer-controlled programmes that would attempt to level out price cycles by collecting revenue from farmers when prices are high and returning it to them when prices are low. I think it is important to hear the different views of the people across this province.

Mr. Speaker, in connection with the constitution of the commission, we do not feel it should be just appointees by the Lieutenant Governor, but that farm organizations in Ontario should be able to appoint directly to this commission so that we can be assured that we do have farmer representatives on that board.

Another amendment we would like to see is in connection with indexing. When establishing a stabilized price the bill refers to cash costs. We feel that cost of production should include hired labour costs and interest on operating capital in order to carry out the farming operation. In most cases that leaves very little for the farmer's own labour. We feel that more actual costs of production should be taken into consideration.

Mr. Acting Speaker: Order, please. There is altogether too much noise in the Legislature. Would you kindly listen to the member for Victoria-Haliburton?

Mr. Peterson: It's from that side.

Mr. Eakins: Yes, I agree, Mr. Speaker. We also feel the bill should require the commission to consult with the producer organizations or the commodity boards when arriving at a stabilized price for a particular commodity. It would be very difficult for a commission to arrive at a stabilized price if it does not know anything about the commodity to begin with; so where the bill indicates they may consult, we feel that they must consult with the various commodity boards.

I appreciate the opportunity of briefly taking part in this debate this evening.

Mr. Angus: It is with great interest and concern that I rise to debate Bill 131, An Act respecting Farm Income Stabilization. Before I go into the principles of the bill and before dealing with the reasoned amendment, I wish to make it clear to the members here tonight that I am not now, nor ever have been, a farmer. I say, respectfully, that that is my loss.

Mr. Peterson: It makes you very qualified to speak. Keep it up and you might become the agricultural critic.

Mr. Angus: But since my election to this Legislature, I have become aware of the serious problems facing the farm community, particularly in my riding, in the riding of Port Arthur, in the riding of Lake Nipigon, in the riding of Algoma and in a number of other northern ridings as well as the province in general. I began to learn as much as I could about the farm community and reacted to their problems by trying to do what I could to make their life on those farms a little more bearable.

I'd like to suggest, respectfully, that the farmers of Ontario will not get a fair deal from this minister or from this government. I cite as an excellent example the delayed actions of this government in coming to the aid of the farm community in northwestern Ontario during the hay shortage this past year. I hope to elaborate further in my remarks, depending on the length of time, but as I am the windup speaker for the New Democratic Party, I would like to read once again the reasoned amendment that is before us. The reasoned amendment, moved by the member for York South (Mr. MacDonald) and seconded by my northern colleague, the member for Algoma (Mr. Wildman), reads as follows:

"That Bill 131, An Act respecting Farm Income Stabilization, be not now read a second time but referred back to the government with instruction to incorporate therein

(1) a formal role for farmers generally and commodity organizations in the development of and the determination of the terms and conditions of any plan requested by a group of producers;

(2) a comprehensive coverage for all Ontario commodities which will provide full support up to the negotiated stabilized level irrespective of the actions of the federal government; and

(3) a provision for current costs of production to be reflected in the final stabilization price or prices under any plan, with the revised bill to be reintroduced in the Legislature no later than December 1, 1976."

We take this reasoned amendment very seriously, just as we took the reasoned amendment of last June very seriously and which, I might add, as the Liberal Party took quite seriously as well.

It seems to me that the Liberals weren't able to negotiate a cosy, no-confidence motion this time around; so they are assisting this government in making this bill almost totally ineffectual.

Mr. Ferris: Come on, be serious.

Mr. Angus: The reasoned amendment, as amended by the excellent addition by the Liberal Party and passed in this House, gave us the outcome that the government was instructed—and I read from Hansard of June 15—"that Bill 96, An Act respecting Farm Income Stabilization, be not now read a second time but be referred back to the government to have incorporated therein principles of a farm income protection plan which will be open to the producers of all farm products on a voluntary and contributory basis, with the government negotiating with legally constituted farm spokesmen;—"

Mr. Wildman: Negotiate!

Mr. Angus: "—and with assurance that the government provide a public forum for full discussion with the farm community before reintroduction of the bill; and that the bill be reintroduced no later than October 31, 1976."

The principles of this bill before us are not those that the government was directed by this Legislature to return with. The line "which will be open to producers of all farm products on a voluntary and contributory basis," is an important one to note; and I emphasize the word in there, "all", Mr. Speaker. The assumption that everyone had is that all commodities would be covered in

the same way, not some at five per cent and some at 95 per cent.

Another line: "With the government negotiating with legally constituted farm spokesmen." I don't know what the minister's idea of farm spokesmen is, but let me tell you, Mr. Speaker, I don't believe, and neither does my party believe, that Tory appointees will be legally constituted farm spokesmen. They should be individuals selected by the general farm organizations and the commodity groups, who express an interest to proceed with the development of a farm income stabilization programme.

My colleague, the member for York South referred in his lead-off to the government-appointed bureaucracy that would administer this non-programme. Let me tell you, Mr. Speaker, no true farmer could botch up a programme like these bureaucrats in his ministry can. The farmers who are directly affected must have a say, or are you just looking for another Ontario "senate" seat where you can appoint yet another former cabinet minister? The minister's past actions give us cause to concern ourselves with the type of people that he would appoint.

Mr. Speaker, I realize the minister has indicated to this House in previous discussions that he is entertaining a possible change, but I will be honest with you sir, I do not have the confidence that his colleagues have in him.

Mr. Shore: That's what happens.

Mr. Angus: It is important, Mr. Speaker, that I quickly elaborate on a situation that occurred, and is still occurring in Thunder Bay, relating to the farm community and relating to the principle of this bill because it relates to the survival of farmers.

The members of this House are aware of the hay shortage and the problems of the drought situation in Thunder Bay, and how this government, was slow to react; not, I will grant as slow as the federal government, but slow to react to the needs of the farm community in Thunder Bay. Because of that situation, all sorts of damaging effects occurred.

The only reason the federal government finally came through with any funds was because the federal member from Port Arthur was appointed chairman of Treasury Board and didn't have much choice, other than losing what few farm votes he still had.

Mr. Speaker, the farmers in Thunder Bay are in trouble. They have had to import hay. They are running out of hay now. They can't get it at proper, reasonable prices. That in turn is redirected to their cost of production. They are bringing in hay now at $100 a ton. The cost to the farmer is $50 because there is a $25 donation from the federal government and $25 from the provincial government, but it doesn't go all the way.

There is a situation where theoretically there was an agreement to provide for quick, easy, large-quantity haulage from the province of Manitoba. We are not sure where the agreement came from, Mr. Speaker, but obviously this minister had a role in it, and the Minister of Transportation and Communications (Mr. Snow) had a role in it and it's a fiasco.

Mr. Acting Speaker: Order, please. Would the hon. member return to the principle of this bill instead of other policies?

Mr. Angus: Mr. Speaker, I pointed out—

Hon. Mr. Davis: It would be a great idea. I know you don't understand the principle, but return to it.

Mr. Angus: There is no principle to your bill.

Mr. Acting Speaker: Order, please. The hon. member will continue.

Mr. Sweeney: There's another farmer in the House.

Hon. Mr. Davis: I'll tell you I have a lot more in my riding than you have.

Mr. Acting Speaker: Order, please. The hon. member for Fort William will continue.

Mr. Angus: Thank you, Mr. Speaker. The concern that this party has about the willingness of this government to rely on a federal minister, on a verbal commitment, that as we have said before is not worth the paper it is written on, because there is no written agreement—

Mr. Gaunt: You fellows don't trust anybody.

Mr. Angus: Especially Liberals.

Mr. Riddell: I don't think you trust yourself.

Hon. W. Newman: Do you blame them?

Mr. Angus: Oh, I do, I do.

Mr. Acting Speaker: Order please.

Mr. Riddell: It's written on paper. I'll tell you that.

Mr. Acting Speaker: Order, please. The hon. member will continue.

Mr. MacKenzie: One follows the other.

[9:45]

Mr. Angus: Thank you, Mr. Speaker, I needed that break for a glass of water.

Mr. Speaker, this bill provides for the plan to be contributory. It also states that if a commodity gets low enough, then the federal minister will name it. In others words in a bad year, when the farmers have already suffered a loss, the commodity will be named and then they would have an opportunity to contribute.

Now I say it this way, Mr. Speaker, that the farmers I know have too few pennies to waste on insurance premiums which will only return them five per cent.

Mr. Ferris: Is that both of them?

Mr. Angus: As it stands now the farmers will be in a loss position before it will be appropriate for them to participate.

The president of the Ontario Federation of Agriculture stated, and I quote: "Why would producers of any commodity bother to develop a plan that would insure only five per cent of the producer's five-year average price? If a plan were developed, why would any farmer bother to enrol in it, considering the meager protection it would provide?"

Would it not be better, Mr. Speaker, if all the commodities were named for the Ontario plan, and then the commodity groups could democratically decide to opt in? If they felt there was a problem, they would decide. That's what we believe should be done with this bill.

Mr. MacDonald: That would be comprehensive.

Mr. Angus: Mr. Speaker, comments have been made about the income situation of farmers, particularly in relation to cash costs. I quote from my colleague the member for York South: "I understand that those are the cash costs that are listed in the federal legislation, and which this government has accepted totally. . . .

"But what those cash costs do not include, and what the farmers in both of the major general farm organizations have been seeking, is a cash cost that is realistic and covers the cost of labour; and not just hired labour, but payment for the farmer himself."

Surely, the farmer is entitled to some calculation of terms of the labour that he puts into his farm. Cash costs, food, labour and some adequate return on his investment, not the inadequate kind of return that is in the calculations made in Ottawa, which once again this government has accepted totally.

Mr. Riddell: You fellows don't trust anybody. I don't think you trust yourselves.

Hon. W. Newman: Do you blame them?

Mr. Acting Speaker: Order, please. The hon. member will continue.

Mr. Angus: Mr. Speaker, I urge the Liberal members of this House to reconsider their position. I mean, Mr. Speaker, they do have a certain ability to reconsider positions and I urge them to do so in this extremely important issue.

May I also remind you, Mr. Speaker, of our earlier indications that should our reasonable, reasoned amendment not receive the support of this House, then we will move amendments in committee to change this bill so that it will actually do something to support the farmers of this province.

Mr. Speaker, the member from Middlesex played the numbers game when he was contributing, in his own way, to this debate. Let me tell you, Mr. Speaker, at least when our members, the NDP members of this Legislature, go to the farmers in Ontario we do it with our eyes and ears open; we see and hear problems that the farmers have and we refuse to ignore them the way this government is doing with this bill.

Mr. Speaker, I am interested in the reply from the minister and I will now give him a chance to grace us with his words. Thank you.

Mr. Acting Speaker: The hon. member for Grey-Bruce.

Interjections.

An hon. member: Tell them you own 400 acres in downtown Owen Sound.

Mr. Acting Speaker: Order, please. The hon. member for Grey-Bruce has the floor.

An hon. member: The farmer's farmer.

Mr. Sargent: I'm glad we've woken Marvin Shore up anyway.

Mr. Speaker, this bill has been flogged inside and out, with every party I believe milking it to the Nth degree.

Mr. MacDonald: When did you last milk a cow?

An hon. member: Two days before you.

Mr. Sweeney: At least he knows which end.

Mr. Sargent: If I did she'd be well milked, I'll tell you that.

Mr. Laughren: He said milked, not bilked.

Mr. Sargent: I would suggest, Mr. Speaker, that you can bet your Grey Cup tickets that the Prime Minister sees political mileage in this—

Mr. MacDonald: He was pushed into it.

Mr. Sargent: —or he wouldn't be doing it, I would suggest to you, he wouldn't be doing it. Do you want to speak, Donald, or will I speak?

Mr. Acting Speaker: The hon. member for Grey-Bruce will continue without interruption.

Hon. Mr. Davis: Did you say you had extra Grey Cup tickets? Is that what you said?

Mr. Sargent: This will be very brief because we must say something intelligent this time.

[Laughter]

Mr. MacDonald: It will be very brief all right.

Mr. Sargent: My friend from Waterloo North says we have a couple of tickets for the Grey Cup luncheon tomorrow.

Hon. Mr. Davis: I heard people asked—

Mr. Acting Speaker: Order please. Would the hon. member return to the principle of this bill?

Mr. Sargent: I would suggest that the Premier's going to do something about this bill—about $60 million worth, I guess. That could be to appear to be doing something for the farmers. But the funny thing—and the Premier's in the House tonight—

Hon. Mr. Davis: I knew you were going to speak.

Mr. Sargent: —is that the think tank, I understand, has come up now with the view that when the House isn't sitting, the Premier's polls rating goes way up. But when the House sits and the people of Ontario find what really is going on, it goes down.

Hon. Mr. Davis: Eddie, you fellows have no further to go.

Interjections.

Mr. Acting Speaker: Order please. The hon. member will continue debating the principle of the bill.

Mr. Sargent: I'm trying not to be provocative.

The Premier suggests that this will be a short parliament. I'd say about $1.2 billion short.

Hon. Mr. Davis: I never said it would be short.

Mr. Sargent: I don't know. I must confess, Mr. Speaker, getting along to the bill—

Hon. Mr. Davis: Confession is good for the soul.

Mr. Peterson: Why don't you try?

Mr. Laughren: It is a good line—mind if we use it?

Mr. Sargent: —I've had very few farmers —in fact I can't recall a single farmer—concerned over the farm income protection plan. Not a single one. What farmers are concerned about is property tax reform, the high increase of—what?—29 per cent in hydro, the lack of hospital beds, waiting three to six months for a hospital bed.

We have our chartered banks of this country offering farmers a loan.

Mr. Laughren: And you thought he didn't know anything about agriculture.

Mr. Sargent: Do you know a single farmer that's been able to get a loan from the banks on the federal plan? Not a single bank will do it. They say the government will back it up and the banks will give it to them but the banks won't give it to them. So it's time that the minister got into the ball game here and did something for the farmers of Ontario that way.

Mr. Shore: Whose side are you on, Eddie?

Hon. W. Newman: I have.

Mr. Sargent: I mean that. It's very serious. I enjoyed the remarks of the member for Stormont-Dundas-Glengarry. For once the government has a man who knows what he's talking about over there.

Mr. Samis: Better than you have got over there. All you have got to do is listen to him.

An hon. member: He should be in the cabinet.

Mr. Angus: He should be minister.

Interjections.

Mr. Sargent: He talked of the hardships—

Mr. Laughren: Talk to Marvin Shore.

Mr. Sargent: —of farmers in his area and inequities and discrimination that are prevalent in the agri-industry.

Mr. Eaton: You want to come and visit a few farms in Middlesex.

Mr. Sargent: And this past week I have had in my area a young farmer. If he doesn't come up with a—

Interjections.

Mr. Shore: A little respect over there, eh?

Mr. Acting Speaker: Order, please.

Mr. Sargent: He will lose $100,000 if he does not have some way of getting back his milk quota, because he will not have any quota until next April 1, 1977. In the interim he's going to go down the drain, $100,000 worth, because he wasn't in the business soon enough. He got in the business just last year and now he's ruled out. This man is going to go down the drain.

These are things that I'm concerned about. I've been in touch with the Milk Marketing Board and they're going to try and fit him into this year's picture. Those are things that are important to farmers.

But somewhere along the line one thing I think about as a small entrepreneur, a businessman—and I say small because really when I think of the big capital investment, the multi-billions of dollars that are invested in plants, agri-plants, across this province of Ontario, billions of dollars—bigger than any General Motors or whatever you've got. They're the biggest industry in our whole province. We have all this plant laying there and, Mr. Speaker, the International World Bank meets about three or four times a year to distribute loans of money across the world. It tries to distribute the money to do the most good and hopes for world peace.

Why can't we have a world food bank, something along that line? We have one third of the people in the world going to bed hungry and the member for Stormont-Dundas-Glengarry talks about one of his farmers wasting 700 pounds of milk in a day. People are going to bed hungry and we are doing those things.

Why couldn't we have a world food bank and have 100 per cent of our farms producing? The farmers wouldn't have to worry about support or subsidies or handouts.

Mr. Laughren: Move an amendment. Come on over here.

Mr. Ferrier: We're with you.

Mr. Sargent: I say if our farmers could work to full capacity, we could keep our people on the farms and they would be paid for the 60 or 70 hours a week they work. They even milk the cows on Christmas Day. There's no 40-hour week there.

I think I have talked too long. I want to say this in closing, that in supporting this bill—

Mr. Shore: Are you supporting it?

Mr. Sargent: I certainly am—I believe wholeheartedly in the principle of the thing.

Mr. Ferrier: Your speech was good until that point.

Mr. Sargent: The farmer is the only person in our economic fabric who does not know the end price of his product. He's the only man in our economy who doesn't know that. Everyone else knows his own end price.

Mr. Bain: This bill isn't going to change that.

Mr. Sargent. He's the only man in this system—I think the farmer today is the world's biggest gambler. He pays retail for everything he buys, he sells it wholesale and he pays the freight both ways. We support the bill.

Hon. W. Newman: Mr. Speaker, before I get into the deliberations tonight, I'd like to suggest that maybe somebody would like to call for a royal commission on the Bell Telephone Company about my communications with the farmers in this province. Although I'm only really kidding, I'm sorry—

Mr. Bain: Take it over.

Mr. Samis: Don't blame it on Bell.

Hon. W. Newman: —we had a few problems in our communications. We have met with all the commodity boards and the farm organizations on this bill. I'd like to welcome in the gallery tonight, Mr. Speaker, the Vegetable Growers Marketing Board of the province of Ontario whose members are doing a great job in this province.

One of the things which does concern me tonight and has concerned me throughout this debate—this legislation has been truly tried in the news media, which is all right—but what I am concerned about is I wonder if the opposition members really realize what they're talking about tonight.

Mr. MacDonald: Do you? That is what is important.

Mr. Bain: Free negotiations—what's wrong with that?

Hon. W. Newman: If we went down the road they are proposing, or some of them are proposing, we would destroy the marketing board system in this province which has been tried and found true by our agricultural producers for many years.

Mr. MacDonald: That is a bunch of nonsense.

Hon. W. Newman: It may be that in their minds they know exactly what they are doing and that's what bothers me. It really would bother me.

Mr. MacDonald: That is another red herring.

Hon. W. Newman: When the member for Timiskaming stood up tonight and we had our little altercation—

Mr. Samis: Altercation?

Hon. W. Newman: —he was talking about a seven-tit sow and it just amazes me. He was a member of the 4-H Club but he does not know that you call them teats to start with and if he didn't know enough to get rid of a seven-teat sow, there is something wrong him. His agricultural background is sadly lacking. That's all I've got to say.

Mr. Bain: We are not that sophisticated in northern Ontario.

Mr. MacDonald: Shows how long you have not been on the farm.

Mr. Acting Speaker: Perhaps the hon. minister will speak to the principle of the bill.

Hon. W. Newman: Mr. Speaker, all I am saying is that as he was speaking to the principle of the bill, I wanted to make sure he got properly corrected.

Mr. Samis: Back down again.

Mr. MacDonald: You have driven the Premier out.

Mr. Samis: He couldn't take any more of this.

Hon. W. Newman: It is very interesting as we talk about the various members, and I'm not going to discuss it, because quite obviously they don't know the difference between crop insurance and stabilization over there. Their last speaker didn't really understand that but that's all right.

One thing I must talk about is the principle of this bill. Let me say I've heard letters read in this House tonight and Tuesday night. We have a lot of new Canadians who have come to this great province of ours and have started in the agriculture industry. They came here because they wanted the right to farm the way they wanted to farm in this great province of ours. That is why they came here —because we had the free enterprise system.

[10:00]

Mr. Samis: And stayed on the farm.

Hon. W. Newman: Today they are good corporate citizens.

Mr. MacDonald: That is ideological nonsense.

Hon. W. Newman: If the opposition party —I'll talk about you later—had its way we would destroy that.

Mr. Speaker, I want to get on the record tonight a few facts and figures.

Mr. MacDonald: Who wrote that for you?

Hon. W. Newman: I wrote it and rewrote it between 6 and 8 o'clock because I was so disgusted with some of the things you people over there said.

Mr. Cassidy: You are losing your cool. It is happening again.

Mr. Speaker: Order, please.

Hon. W. Newman: Apart from its intrinsic importance, this bill has served to polarize basic political philosophies—

Mr. Bain: You have tried to use it for that purpose.

Hon. W. Newman: As a result, we have had many overheated exchanges.

Mr. Bain: And yours has been the most overheated.

Hon. W. Newman: I concede I am not guiltless in that regard. How about that, eh?

Interjections.

Hon. W. Newman: And we have also heard far too much foolishness over there too.

Mr. MacDonald. And now too.

Hon. W. Newman: However, I am impressed by the amount of sound common sense this debate has provided—and not only

from the government benches. I am pleased by some of the other hon. members who understand farmers and farming.

Mr. Samis: Name them, Bill. What party?

Hon. W. Newman: They have obviously subjected the bill to thoughtful analysis.

Mr. Cassidy: That is why we spoke the way we did.

Mr. MacDonald: When we agree with you it is thoughtful. If we disagree it is nonsense.

Hon. W. Newman: Mr. Speaker, it is not the least bit surprising to me that the NDP would come forth with the stance that they did. They were taking great pains to assure us they are not advocating socialized agriculture when all of us know that what they are suggesting would direct the agricultural industry in this province down just that road.

One thing that has impressed me in this debate is that those members—

Hon. Mr. Davis: Your leader admits it.

Mr. MacDonald: You know better if he doesn't.

Mr. Speaker: Order, please.

Hon. W. Newman: —of this House who have a true understanding of the present status of the agricultural industry in the province and also a keen desire of what they want for it in the future, have indicated their support of this bill. This is where basic political beliefs have polarized. The government is determined to resist any attempt to lead farming down the socialist road.

Mr. Laughren: Between you and Leo Bernier who alienated all of northern Ontario.

Mr. Angus: That is a red heifer.

Hon. W. Newman: No, no. We insist that the plan must operate within the free enterprise system and the free market system based on supply and demand.

Mr. Cassidy: That is Darcy's speech.

Mr. Shore: Listen, boys, you will learn something.

Mr. Bain: I am listening but he hasn't told us anything yet.

Mr. Acting Speaker: Order, please. The hon. member for Timiskaming had his chance to speak. Now it's the minister's turn.

An hon. member: Throw him out.

Hon. W. Newman: Mr. Speaker, he didn't speak, he just uttered.

Interjections.

Hon. W. Newman: Mr. Speaker, I am accustomed to some pretty bizarre utterances from the NDP, but I was so appalled by a remark the opposition agricultural critic made on Tuesday that I checked back later in Hansard. And sure enough, he actually told the government, and I quote "to quit prattling around about free enterprise, which doesn't exist particularly in the agricultural communities."

I really haven't got the time, Mr. Speaker, to explain the ABCs of agriculture to the NDP today.

Mr. MacDonald: Right. What about the quota in supply management? In milk? In beef? That is not free enterprise.

Mr. Speaker: Order, please.

Hon. W. Newman: But let me tell—

An hon. member: Throw him out.

Hon. W. Newman: Just let me tell the farmer from York South that free enterprise doesn't merely exist in the agricultural community, it flourishes in the agricultural community. It's the very foundation stone of our agricultural community, and don't you forget that.

After listening to that kind of stuff, it was encouraging to hear the Liberal Party support the government's policy of operating within the free enterprise system and working towards an effective comprehensive stabilization programme on a national scale. Indeed, Mr. Speaker, it cannot be stressed too often that all political parties agree that farm income stabilization is primarily a federal responsibility. The federal framework is there—

Mr. Philip: Keep up there, brother, they will overcome you.

Hon. W. Newman: —for a really meaningful national programme. The trouble is that in the past its provisions have never been employed extensively enough to meet the needs of Ontario's farmers. Nevertheless the fact that Ottawa has been slow to live up to its commitments does not mean that a nationwide programme is unworkable or unlikely. If the provincial governments and the farmers' organizations keep up their pressure, I'm confident we can overcome the lack of some federal action.

Mr. Philip: Keep it up there, brother, they will overcome you.

Hon. W. Newman: I fully intend to maintain our dedication to a meaningful national plan. In a Telex yesterday, Mr. Whelan invited me and other provincial agriculture ministers to a meeting in Ottawa on December 15—an important conference—to try to sort out federal and provincial stabilization programmes.

Mr. Laughren: Are you going?

Hon. W. Newman: Yes. It appears to me that the approach Ontario has been trying to sell for almost four years now has a considerable amount of support from most of the provinces and I look forward to the meeting on December 15.

Mr. Cassidy: You sound like a stump speaker at a Republican convention.

Hon. Mr. Davis: You would provoke me into saying what you sound like and that wouldn't be nice tonight.

Mr. Speaker: Order, please.

Hon. W. Newman: I feel we should have universal support for every Canadian farm product—

Mr. Cassidy: You guys are afraid of losing the free enterprise vote.

Hon. W. Newman: —at the level which the federal Bill C-50 provides and that above this level we should offer additional protection for farmers who want to contribute towards it.

Mr. Ferris: Except asphalt.

Hon. W. Newman: The federal government, the provincial government and participating producers should be equal partners in building up a fund for this extra protection on a dollar per dollar basis.

Mr. MacDonald: Amen.

Hon. Mr. Davis: I hope Hansard notes that amen from the member for York South.

Hon. W. Newman: The member for York South tried to make a big deal out of a speech I made a year ago to the annual convention of the Ontario Federation of Agriculture. What I said then basically—

Mr. Cassidy: Those sort of dulcet tones.

Mr. Speaker: Order, please. Will the hon. minister continue and could we have fewer interjections? They add nothing to the seriousness of this debate. Order, please.

Mr. MacDonald: You know better even if he doesn't.

Mr. Speaker: Order, please. The hon. minister will continue.

Hon. W. Newman: They are obviously not interested in the farmers' future. The member for York South tried to make a big deal out of a speech I made a year ago to the annual convention of the Ontario Federation of Agriculture. What I said then was basically what I have said here—our long-term objective is still a universal floor price on which the provinces can build according to their regional needs and wishes. When I discussed production costs and Ontario's plans, I was talking of building a voluntary, contributory, three-way partnership on top of the federal foundation in Bill C-50. We still don't have that solid foundation but my outlook remains optimistic.

Mr. Bain: It's a pretty shaky foundation.

Hon. W. Newman: Meanwhile, the time is overdue to get the show on the road in Ontario. Bill 131 is designed to do just that, to provide protection for Ontario producers who want it now.

I might say that it is not as good as the ultimate plan we are working for. We all know that; it is not a panacea.

The member for Huron-Middlesex and other Liberal members understand that. I think he agrees that it is a sound workable plan and any limitations are dictated by the facts of farm life today.

Mr. Bain: The only reason they support it is they are afraid of an election.

Mr. Speaker: Order, please. Does the hon. member for Timiskaming wish to remain in the chamber? There have been enough admonitions tonight about the interjections which are not adding to the calibre of the debate; there are many people watching and judging everyone here. I think perhaps we should get on with the debate. Will the hon. minister continue?

Hon. W. Newman: Thank you, Mr. Speaker. He has suggested that some provisions could be changed and I'm certainly not taking the stand that the Act couldn't be amended from time to time if it is necessary. As the Liberal agricultural critic said, let's set the machinery in place and give the plan a chance to work.

On the question of producer participation in the decisions of the stabilization commission, I feel it is guaranteed adequately by the Act. The majority of the commissioners will be representatives of the farming community. I can't see the commission actually negoti-

ating formally in the sort of confrontation situations we see in union-management bargaining but I can see them having a very meaningful role in the whole situation.

Maybe we can approach it from a slightly different angle. The three major farm organizations might recommend annual members to sit on the commission. If such a compromise would make the organizations and majority of members happier, I'd be willing to amend the bill to that effect in committee.

The Act was designed to solicit input from the agriculture community. It says the commission may consult the general farm organizations, marketing boards and such other producer groups as it considers proper. If it would end any misgivings about the Act's intent the word "may" could be changed to "shall." That would require consultation before setting up any commodity plan or amending it later.

The member for Huron-Middlesex wondered why the government couldn't extend the provisions of the bill regarding producers of commodities which aren't named or designated for federal support at the 90 per cent level. To a large extent he answered his own question.

Mr. Whelan has said any commodity that needs such protection will get it if the need is demonstrated. We want Ottawa to provide that protection and I would like to quote from the federal-provincial conference we had on July 26 to 29 in Quebec City and I quote from a statement of Mr. Whelan's: "There has been some uncertainty expressed as to whether or not support would be offered under the federal programme to commodities that are not named under the Act. I can indicate to you that any agricultural commodity which is produced in significant quantities in Canada will be supported under the federal programme if the need for this support can be demonstrated."

Mr. MacDonald: Who is going to judge that?

Mr. Speaker: Order, please. The hon. minister will continue.

Hon. W. Newman: Those were his own words. It is true that this extended coverage could have been provided provincially under Bill 96 at a cost of roughly, as I originally estimated it, $7 million, but on further calculation it was roughly $11 million to $12 million last year.

It is also true, of course, that the opposition parties turned back Bill 96, but apart from that we must remember that market prices were fairly good last year, comparatively speaking. They have been pretty good for three years, but farmers have actual historical reasons for thinking that the good years are followed by bad years. In a year of really depressed prices, payouts could be a great deal higher than the $11 million to $12 million. Just how high, I would not like to estimate.

It was also suggested that we should change the basic 95 per cent level of support payments in Bill 131 to read "not more than 95 per cent of the five-year average price adjusted by cost of production indexing." Such an amendment would not be consistent with the principle of the bill. Remember, Ontario's formula is based on the same data as the federal formula. Our plan is designed to be integrated with an effective federal plan when we finally achieve that on a national basis and integration would be very difficult, if not impossible, with such a revision. As I said, my mind is not closed to amendements to the Act if they prove necessary, but I am not prepared to alter the principle of the bill.

Bill 131 adjusts payments to reflect the farmer's current cash cost of producing a commodity compared to his cash cost averaged over the five years. I would like to read the list into the record, Mr. Speaker, to counter recent suggestions that somehow we would be short-changing the farmer.

A farmer's cash costs are defined as the normal out-of-pocket expenses he incurs in field crop production. Cash costs normally include hired labour; the expenses of operating and repairing machinery and farm buildings; property taxes on land and buildings, field drainage; fertilizer; pesticides; herbicides; crop insurance premiums; and hydro and telephone services needed for production. In livestock farming, cash costs normally include hired labour; hay; feed grains; other feeds; protein supplements and minerals; veterinary bills; medicine; building repairs, fence repairs; expenses of operating and repairing machinery and vehicles; property taxes associated with production; bedding for the animals; electricity and utilities.

Mr. MacDonald: No labour costs to the farmer himself.

Hon. W. Newman: You didn't even listen to the last paragraph.

Mr. Speaker: Order, please. Will the hon. minister continue and ignore the interjections?

Hon. W. Newman: These normal out-of-pocket production expenses are easily understood. Confusion arises only when people propose other costs that might be considered in support payments—overhead costs that would be incurred even if the crop were not produced in any given year.

I have heard and considered recommendations for including such costs as depreciation on buildings and equipment; interest on the farmer's investment in land, buildings and equipment; a return for the family labour; a return for the farmer's managerial function. If you add up all such considerations, you are talking about the full cost of production.

Mr. MacDonald: Why didn't you vote for that in the federation convention last fall?

Mr. Speaker: Order.

Hon. W. Newman: When you talk of reimbursing the farmer for his full cost of production, you are talking about a guaranteed annual income. You are no longer talking about a plan to stabilize a farmer's income over years of ups and downs in the marketplace. Instead, you are talking about a plan to pay a farmer so he can't lose as long as he farms the way the state tells him to farm.

That is the kind of plan the New Democratic Party has been advocating.

Interjections.

Mr. Speaker: Order.

Hon. W. Newman: In setting support levels in a stabilization plan—

Interjections.

Mr. Speaker: Order.

Hon. W. Newman: —they must be high enough to achieve their purpose of tiding producers over periods of depressed market prices, but not high enough to affect the free operation of the market by offering artificial incentives to produce.

[10:15]

Problems in Canada's dairy industry illustrate the inherent dangers of incentive pricing. In its campaign to make the Canadian dairy industry as nearly self-sufficient as possible, the federal government offered milk producers a wide variety of incentives and encouraged the provinces to follow suit.

But it underestimated our farmer's astonishing ability to produce when the price is right The miscalculation was magnified by many other world-wide problems, and now we have warehouses bulging with unsold butter and skim milk powder.

Guaranteeing the farmers full cost of production would create a sure-fire incentive to produce almost anything, regardless of the market demand for it, and then we'd have surpluses. Surpluses would mean lower farm prices, lower farm prices would mean high stabilization payments, payments so needlessly and unjustifiably high that the taxpayer, quite rightly, wouldn't stand for them. The only alternative would be to limit production by quotas imposed by the state; and the farmers, quite rightly, wouldn't stand for that.

Hon. Mr. Davis: You guys are in real trouble.

Mr. Breithaupt: Now do you see what you've done?

Hon. W. Newman: That's the double bind concealed in the proposal of the NDP's urban theorists. Our farmers don't trust the NDP, and for many good reasons. This has given them another reason to add to their list.

The opposition's agriculture and food critic has conceded in a press conference that his party's proposal would require production quotas. At the same time he described the issue before the House today as: "A very powerful urban issue." That was a dead giveaway. The NDP are trying to oversimplify a complex subject in hopes of picking up a few urban votes, even though it means sabotaging the agricultural industry in Ontario.

Mr. MacDonald: I am trying to simplify it so you can understand it.

Mr. Cassidy: Even Claude Bennett is wondering about you.

Mr. Speaker: Order.

Hon. W. Newman: The official opposition doesn't represent—

Interjections.

Mr. Speaker: Order, order. The hon. minister will continue.

Hon. W. Newman: The official opposition doesn't represent a single purely farm constituency in this House.

Hon. Mr. Welch: That's right.

Hon. W. Newman: It wants to, God knows, but it can't understand farming and it can't establish contact with farmers. I talk to farmers every day, and I think I know them fairly well. The farmers I know want as little bureaucratic interference in their decisions as possible.

Mr. Sargent: That's the case in my riding.

Hon. W. Newman: They farm because they like it. They're the boss on their own farms.

Interjections.

Mr. Speaker: Order.

Mr. Ferris: Did Darcy teach you how to talk?

Mr. Speaker: Order, please.

Hon. Mr. Davis: Did I hear from London South?

Hon. W. Newman: Many of them produce within quotas established by their own marketing boards, that is by other farmers producing the same commodities they produce. Producer-elected marketing boards are efficient and are doing a fine job, but farmers wouldn't produce within quotas established by Queen's Park. Many of them would give up farming rather than accept control by some authoritarian bureaucracy.

Mr. MacDonald: God help them if you were to impose the quotas.

Mr. S. Smith: Those are a lot of syllables now, be careful.

Mr. Speaker: Order.

Hon. W. Newman: The member for York South claims the NDP—

Mr. Reid: This was left over from Darcy's speech on Tuesday.

Mr. Speaker: Order, please. The hon. minister will continue.

Hon. W. Newman: The member for York South claims the NDP scheme isn't aimed at socializing agriculture because participation would be voluntary. Our farmers know very well, and he should know too, that supply management can't be effective unless most of the producers of a commodity are in a plan and the plan is a national plan. Supply control and farm income stabilization usually are alternative ways to offset marketing downturns.

Mr. MacDonald: Have you an annual plan for tobacco?

Hon. W. Newman: But in our bill, stabilization measures are available, if needed, to help farmers if the supply management system does not give them adequate income.

Our farmers don't expect no-risk agriculture, they don't want handouts, and they certainly don't fall for this NDP gimmick. They remember how fond the Ontario NDP used to be of boasting about the marvels of the NDP government in British Columbia, with its stabilization formulas—

Mr. Bain: Tell us about the stabilizers.

Mr. Speaker: Order, please.

Hon. W. Newman. —based on production costs rather than marketing prices.

Mr. MacDonald: It's the working model.

Hon. Mr. Welch: And look where they are now.

Hon. W. Newman: Our farmers have been spared that line since the BC voters threw them out.

Mr. Cassidy: On a point of order, Mr. Speaker.

Mr. Speaker: No. Order, please. Let's get on with fewer interjections. Will the hon. minister continue, please?

Mr. Cassidy: Point of order.

Mr. Speaker: What is your point of order?

Mr. Cassidy: Is the minister speaking to the principle of the bill?

Mr. Speaker: I would say as much as anyone else was. The hon. minister will continue.

Hon. W. Newman: Mr. Speaker, I have trouble controlling myself but I'll try.

Mr. Speaker: Please do.

Hon. W. Newman: It's worth recalling that even the BC socialists didn't try to guarantee full production costs. Our farmers know far better than the NDP theorists that a stabilization plan must not provide artificial alternatives to free operation of the marketplace. No risk farming and artificially high price guarantees maintained by production controls would increase consumer prices.

Mr. Cassidy: You guys don't know where to stop, do you?

Mr. Speaker: Order, please.

Hon. W. Newman: That would be an open invitation to other countries to dump lower priced food products in Ontario.

Interjections.

Mr. Speaker: Order, please.

Hon. W. Newman: We'd be flooded by imports undercutting our own products and that would finish the job of sabotaging our agricultural food industry. Remember, Ontario has no border controls. Only the federal government has power to set quotas or tariffs on foreign food products and its policies are a mess.

Mr. S. Smith: I accept what he says but the sanctimony I can do without.

Hon W. Newman: The government of Ontario has been leading the fight for reforms in agricultural tariffs which place our producers at severe competitive disadvantage. For seven months the Minister of Industry and Tourism and I have been trying to arrange a meeting with the federal Ministers of Agriculture, Industry, Trade and Commerce, Finance and External Affairs.

Interjections.

Hon. W. Newman: We want to discuss negotiations on the General Agreement on Tariffs and Trade with particular reference to Ontario agriculture. Two meetings were schedule but cancelled and since then we haven't been able to arrange a third one. Thank goodness the Premier very kindly has written a letter to the Prime Minister of Canada asking for his assistance in trying to set up such a meeting to discuss this matter.

Hon. Mr. Davis: Written by my own hand.

Mr. Reid: He'd never be able to read it.

Mr. Nixon: He was asking for permission to import grapes.

Hon. W. Newman: With artificially high support prices and production controls we couldn't even protect ourselves from the produce of other provinces which might be below our market prices. We'd be telling our farmers how much of what they could produce while the farmers in another province would be free to produce as much as they liked and to sell any surplus profitably in Ontario.

The NDP proposals require border controls as well as production controls. Getting any sort of border controls means getting federal support. It requires little imagination to know how much federal support could be expected for a plan which ran counter to the federal support price formula and therefore the nation-wide stabilization programme we're pressing for.

Our food exporters have to be cautious, too. If our price support levels conflicted with international trade and tariff agreements they could bring retaliation against our food products by countries which are buying them now. In the final analysis, the NDP proposals are not only unpalatable but unworkable because they ignore the everyday realities of agriculture and political life.

I suppose the NDP agriculture critic saw he was beyond his depth and that is why he read into Hansard a column by the president of the OFA which appeared in Farm and Country of November 16. Unfortunately that article was a little off base.

Mr. MacDonald: I agreed with it. That's why I read it.

Hon. W. Newman: I never said Bill 131 would cost the provincial government $70 million a year. I said it could cost up to $70 million a year and in a really bad year, that's exactly what could happen.

Mr. Cassidy: You are backing down, are you?

Hon. W. Newman: No, not at all. Not a bit.

Mr. Cassidy: That's what it sounds like to me.

Mr. Speaker: Order, please.

Mr. Cassidy: You make a headline and then you apologize for it.

Mr. Speaker: Order.

Hon. W. Newman: The costs of the programme will be influenced by the following factors—

Interjections.

Mr. Speaker: Order, please.

Hon. W. Newman: —the movement of farm prices and farm costs; the number of producer groups which want a plan; the number of groups which enter a plan in any specific time period; the number of farmers in a producer group who voluntarily become part of the specific group; the amount of any farmer's product which is eligible for coverage in the plan.

Mr. Sargent: Time, time.

Hon. W. Newman: The stabilization commission—no, it's not quite—

Mr. Sargent: You are milking it too much.

Hon. W. Newman: —will determine the ground rules for some of these factors. Members forget that this doesn't include the beef-calf stabilization programme which cost the province of Ontario $22 million last year. We have 4,000 new enrolments this year which is indicative of the success of this programme.

Mr. Laughren: Table it.

Hon. W. Newman: However, the cow-calf plan was an emergency situation which we dealt with on a five-year basis. We're still looking for federal cow-calf plan and we are told that we're going to get one next year from Ottawa. I'll wait and see.

Mr. MacDonald: Why do you accept Mr. Whelan's report then?

Mr. Speaker: Order, please.

Mr. MacDonald: His word isn't worth anything.

Mr. Speaker: Order, please. We're wasting valuable time here.

Hon. W. Newman: It is risky to assume that farm prices and the gross income of the farm community won't increase beyond today's levels. In establishing government cost figures, we have to be aware that production will increase and, therefore, our liability can increase. In short, we have to be aware that agricultural conditions are not very stable. It's impossible to be precise about cost estimates and the government is responsible for the taxpayer's dollars.

We hope that market prices are high enough and federal support levels are high enough but the Ontario programme is there when it is needed. We have undertaken to provide the funds which are necessary. I could go on, but I see the time is running late.

Mr. MacDonald: You finished a long time ago from the point of view of information.

Hon. W. Newman: I could give the example of corn and point out that actually there could have been a pay-out as high as about $7 million in 1975 under our present programme. I have a great deal of faith in the farmers of this province and of this country and in what they can produce.

Mr. MacDonald: More than they have in you.

Hon. W. Newman: In the last 20 years, they've been more productive and more efficient than any other industry in the province of Ontario and in Canada. The efficiency has gone up every year, and our agricultural efficiency will probably show even more amazing gains in the years to come.

One thing more: More graduates from our Ontario agricultural colleges go into farming every year, eager to take advantage of the latest advances in technology. To answer some of the questions today, enrolment in Ontario's two-year agricultural diploma courses is at an all-time high. A total of 1,180 students are enrolled in the University of Guelph and the four provincial colleges of agricultural technology. This represents a 45 per cent increase over the last five years—

Mr. MacDonald: What's all this got to do with the principle of the bill?

Mr. Breithaupt: How are you going to keep them back on the farm?

Mr. Speaker: Order, please.

Hon. W. Newman: Over 50 per cent of these young people are going back to the farm, and the other 50 per cent are going into agriculture related industries. So don't tell me the young people aren't going back to the farm. They are going back to the farm. And don't forget that.

Interjections.

Mr. Speaker: Order, please. Will the hon. minister be completing his remarks in the next moment or two?

Hon. W. Newman: I have every confidence that the farmers of tomorrow can even surpass the records that have been set in the last 20 years or so. I have never forgotten these words of the late President Kennedy—

Some hon. members: Oh, oh.

Mr. S. Smith: Then don't read it. Put away the paper if you haven't forgotten it.

Interjections.

Mr. Speaker: Order.

Hon. W. Newman: "Our greatest day-to-day miracle," he said, "is our free-enterprise, family-farm food production system." And to those words I can only add, let us not destroy it.

Mr. S. Smith: If you haven't forgotten them, why did you have to read them?

Hon. W. Newman: Producers who have achieved these records of food production, because of the incentives built into the free enterprise system, don't want an income stabilization plan to pay all their costs.

One of our farmers has sent my ministry this message: "If you guarantee I won't lose money, I know damned well I won't make much either."

Interjections.

Hon. W. Newman: Some farmers don't want an income stabilization plan at all. Of those who do, I am convinced that the great majority want what Bill 131 provides. It provides the opportunity for greater security during lean years and a healthier economic climate for farming their own way. Since they can farm their own way far better than any government can tell them to farm, I have no intention of incorporating socialist theory in a bill desgined to help them keep on farming their own way.

The government has accommodated the wishes of the majority in this House and revised our original farm income stabilization bill. Those members who understand the agricultural community have not sacrificed their principles, nor will this government sacrifice its principles for political expediency.

Interjections.

Mr. Speaker: Order, please. Let's get on with the next order of business.

Mr. Newman had moved second reading of Bill 131. Mr. MacDonald moved, seconded by Mr. Wildman, that Bill 131, An Act respecting Farm Income Stabilization, be not now read a second time but be referred back to the government with instructions to incorporate therein:

1. a formal role for farmers' general and commodity organizations in the development of and the determination of the terms and conditions of any plan requested by a group of producers;

2. comprehensive coverage for all Ontario commodities which will provide full support up to the negotiated stabilization level, irrespective of the actions of the federal government;

3. a provision for current costs of production to be reflected in the final stabilization price or prices under any plan, with the revised bill to be reintroduced into the Legislature no later than December 1, 1976.

[10:30]

The House divided on the question, shall the bill be now read a second time, which was approved on the following vote:

Ayes	Nays
Belanger	Angus
Bennett	Bain
Birch	Bounsall
Breithaupt	Breaugh
Conway	Bryden
Cunningham	Burr
Davis	Cassidy
Drea	Deans
Eakins	Dukszta
Eaton	Ferrier
Edighoffer	Gigantes
Evans	Grande
Ferris	Laughren
Gaunt	Lupusella
Givens	MacDonald
Good	Mackenzie
Gregory	Makarchuk
Grossman	McClellan
Hall	Moffatt
Handleman	Philip
Henderson	Samis
Irvine	Sandeman
Johnson (Wellington-Dufferin-Peel)	Warner
Kennedy	Wildman
Lane	Young
Leluk	Ziemba—26.
MacBeth	
Maeck	
Mancini	
McCague	
Meen	
Miller (Haldimand-Norfolk)	
Miller (Muskoka)	
Morrow	
Newman (Durham York	
Newman (Windsor-Walkerville)	
Nixon	
Norton	
Peterson	
Reed (Halton-Burlington)	
Reid (Rainy River)	
Rhodes	
Riddell	
Ruston	
Sargent	
Scrivener	
Shore	

Ayes

Smith
(Hamilton Mountain)
Smith
(Nipissing)
Smith
(Hamilton West)
Snow
Spence
Stephenson
Sweeney
Taylor
Villeneuve
Welch
Wells
Williams
Wiseman
Worton
Yakabuski—62.

Ayes 62; nays 26.

Ordered for standing resources development committee.

Hon. Mr. Welch: Before moving the adjournment of the House perhaps I could indicate something of the programme for the next few days.

Tomorrow we'll do supplementary estimates, starting with the Ministry of Natural Resources and followed by Health.

On Monday we'll do budget and there's private members' hour from 5 to 6. On Tuesday we'll do legislation which stands on the order paper for committee of the whole and continue with the supplementary estimates.

Wednesday is committee day. We'll announce on Tuesday what we'll do for the balance of the week.

On motion by Hon. Mr. Welch the House adjourned at 10:40 p.m.

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No. 123



Legislature of Ontario Debates

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Third Session of the 30th Parliament

Friday, November 26, 1976

Speaker: Honourable Russell Daniel Rowe
Clerk: Roderick Lewis, QC

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LEGISLATURE OF ONTARIO

FRIDAY, NOVEMBER 26, 1976

The House met at 10 a.m.

Prayers.

Mr. Samis: On a point of privilege. Yesterday, while inquiring and making arrangements for a group of French-language students to visit the Legislature, I was told by the appropriate staff here that there is, and there would be, no French-language literature available to students coming to the Legislature.

In view of the Premier's commitment in 1971, and in view of a statement made and recorded in the Toronto Star by one no less than the Treasurer of Ontario which says, "The guarantees made to French Canadians at the time of Confederation must be honoured. Those guarantees were not offered as a privilege or a gift from the English-speaking people, they were solemn pledges, essential conditions to the establishment of a country. Those pledges must be kept"—I would ask you, sir, to take immediate action to see that nobody is discriminated against in either of the official languages when they come to visit this Legislature.

Mr. Speaker: I might say that's not a point of personal privilege and no privilege of the member has been abrogated in any respect. I will take the information under consideration. It hasn't been brought to my attention before. I will check into it.

Statements by the ministry.

INDUSTRIAL MILK QUOTA

Hon. W. Newman: Mr. Speaker, I'm pleased to advise the House that the Ontario Milk Marketing Board and the Canadian Dairy Commission have reached agreement on the method to be used for allocating the additional 127.6 million pounds of industrial milk quota recently made available to Ontario.

Mr. Cassidy: Is this socialized agriculture?

Hon. Mr. Davis: You are being provocative early in the morning.

Hon. W. Newman: This quota, together with other quota which has accrued to the Ontario Milk Marketing Board is now being distributed to Ontario producers and will be available for use in November.

Mr. Cassidy: Now he is talking out of the other side—

Mr. Speaker: Order, please. The hon. minister has the floor.

Hon. W. Newman: The December milk cheques to producers will reflect the increase in quota.

This quota distribution plan is intended to maximize the amount of industrial milk produced between now and the end of the current dairy year—April 1, 1976, to March 31, 1977—in line with Ontario's share of the national quota, and to distribute the quota among producers in the most equitable way. To achieve these objectives the Ontario Milk Marketing Board will also implement immediately a quota-lending programme between producers.

I am tabling the letter from the chairman of the Ontario Milk Marketing Board advising the Ontario milk producers of details of the programme.

PRICES AT HIGHWAY SERVICE CENTRES

Hon. Mr. Snow: Mr. Speaker, I wish to announce recent development related to the prices charged for gasoline at service centres on Highways 400 and 401.

This matter goes back to last spring—I believe it was May 13—when the hon. member for Elgin (Mr. McNeil) and, more recently, the hon. member for Kent-Elgin (Mr. Spence) I believe it is, questioned me about the differences in the price of gasoline between highway service centres on Highways 401 and 400 and the off-highway stations.

In my reply, I informed the hon. members I was aware of the higher prices being charged at the service centres on the expressways. I added that we were looking into the matter.

As this House is aware, these service centres operate under a lease agreement with the oil companies which tender for the award

of such leases. I pointed out that all lease agreements call for a percentage of the gross revenues, not a per-gallon rate.

Mr. MacDonald: So the government shares in the ripoff?

Hon. Mr. Snow: I also informed the member for Elgin that when most of these leases or contracts were drawn up, fuel was at a much more reasonable price than it is today. As the costs increased, thanks partially to the additional federal excise tax of 10 cents per gallon, the sale price of the product increased dramatically.

Mr. Nixon: Did your 19-cent-a-gallon tax have anything to do with that?

Mr. Speaker: Order, please.

Mr. Nixon: Your tax is almost double.

Hon. Mr. Snow: As a consequence, Highways 400 and 401 service centres have been paying their rental percentage on those inflated costs.

Hon. Mr. Davis: Do you think we should reduce it?

Hon. Mr. Snow: I further stated we would be negotiating with the oil companies in an attempt to alleviate a situation in which the price to the consumer went up along with increases in the amounts paid for leases since they were based on a percentage of gross sales.

Mr. Nixon: Those are provincial leases, aren't they?

Hon. Mr. Snow: This was not the intention when the leases or contracts were awarded. It was the action by Ottawa in increasing the excise tax—

Mr. Peterson: You are worse than the Premier; you are awful.

Mr. S. Smith: Come off it.

Mr. Nixon: You are still going to keep ripping them off.

Mr. Breithaupt: You're living off the avails.

Mr. Cassidy: You guys indulge in an orgy of self-justification. You had better change your speech writers.

Mr. Breithaupt: You can't blame the municipalities for this one.

Mr. Speaker: Order.

Hon. Mr. Snow: Mr. Speaker, I shall start over.

Mr. Nixon: I am in bed with Beryl Plumptre; that's what you said yesterday. Start over again and get it right this time.

Hon. Mr. Snow: As I said, it was not the intention when these leases or contracts were awarded. It was the action by Ottawa in increasing the excise tax, plus the action of the oil-producing countries demanding higher—

Mr. Breithaupt: Blame it on the Arabs.

Mr. S. Smith: And Lougheed's province.

Mr. Speaker: Order, please. I am sure the young people in the galleries must be getting a wonderful impression this morning. Will the hon. minister continue?

Mr. Breithaupt: Only of the incompetence of the minister.

Mr. Nixon: If they were listening to the minister they would be disgusted.

Mr. Speaker: Order, please. The hon. minister has the floor for his statement.

Hon. Mr. Snow: —plus the action of the oil-producing countries demanding higher wellhead prices and royalties, which have been largely responsible for the inflated price to the consumer and what might be called windfall gains in rental income from the service centres.

Today, I can tell the House that as a result of continuing negotiations between my ministry and the oil companies, Imperial Oil has agreed to lower the prices it charges motorists using service stations on Highways 400 and 401.

Mr. Samis: How much?

Hon. Mr. Snow: This has resulted from the fact that my ministry is committed to amending its agreement with the oil companies, allowing them to reduce their gross revenues by the amount we have determined to equal the increases since September, 1973—

Mr. Edighoffer: Bargain with oil, boys.

Mr. Ruston: You had your finger in the till.

Hon. Mr. Snow: —increases stemming, as I noted earlier, from the increase in federal tax and the price of crude.

I can also state emphatically that our offer was conditional upon the agreement of the oil companies to pass on the full benefits to the motorists in the form of lower gasoline prices.

Mr. S. Smith: How much?

Mr. Renwick: How much?

Hon. Mr. Snow: If the hon. members will just hold their breeches for one minute, they'll find out.

Mr. Nixon: The reduction will be—

Mr. Breithaupt: That's all you had to say in the first place.

Hon. Mr. Snow: The result, I'm pleased to report, is that as of November 23, Imperial Oil has been more than co-operative and the price of gasoline at Esso stations on Highways 400 and 401 has dropped anywhere from five to nine cents a gallon.

Mr. Nixon: Oh, rubbish.

Mr. S. Smith: What about the price of a gallon over the past three years?

Hon. Mr. Snow: Specifically, the price of a gallon of regular gas fell from 92.9 cents to 83.9 cents at Newcastle; at Maple it dropped from 92.9 cents to 85.9 cents, and at Ingersoll to 87.9 cents.

Mr. Nixon: That's a steal.

Hon. Mr. Snow: The prices for unleaded and premium gasolines were reduced accordingly to maintain the normal trade differential. The reason for the variance in the lower prices relates, I understand, to market prices charged for gasoline in the specific areas mentioned.

Mr. Peterson: What about the other brands, Jim?

EDUCATION STANDARDS

Hon. Mr. Wells: Mr. Speaker, following my two recent announcements of major policy changes related to curriculum in the schools—

Mr. Peterson: You are ahead of your time, Tom.

Hon. Mr. Wells: —I would today like to inform members that the Ministry of Education is taking a further step to refine and improve the quality of education in the elementary and secondary schools of Ontario.

Mr. Nixon: It's an attempt to repair all that Davis damage.

Interjections.

Hon. Mr. Wells: Specifically, we are setting in motion a plan that will result in better testing and evaluation of pupil achievement at the classroom level and better reporting of pupil progress to parents.

Some hon. members: Oh, oh.

Mr. Warner: Bill 22.

Hon. Mr. Wells: In recent years, as members are well aware, we have tended to move away from centralized, uniform testing towards an approach that places more reliance on the judgement of individual teachers. Such an approach has a number of virtues and is consistent with the more flexible curriculum that has applied in our schools.

Mr. Nixon: A great retreat.

Hon. Mr. Wells: But at the same time it clearly places more emphasis on subjective judgement and leads to variation from classroom to classroom and school to school.

Mr. S. Smith: Are you insulting the teachers?

Hon. Mr. Wells: Such variations are often interpreted by students, parents and teachers alike as creating uncertainties as to the standards achieved. Let me make it clear there is no question in my mind that the teaching profession of Ontario has continued to attain highly satisfactory standards in our schools.

Mr. Nixon: A year ago there was.

Interjections.

Mr. Speaker: Order, please!

Hon. Mr. Wells: Nevertheless, I can understand that little is accomplished by me or a local school board chairman, or school principal, or anyone else who has responsibility for our educational system, making such assertions and asking people to accept them on their own merit. That is no more helpful than hearing from the critics of our schools today who, for whatever purpose, tend to stand up and claim that standards have fallen without any concrete evidence to that effect.

Mr. Peterson: It's all around you.

Mr. S. Smith: Why are you changing it?

Mr. Speaker: Order, please. There'll be an opportunity for questions in a moment.

Mr. Ruston: You are not retreating. You are in complete flight.

Mr. Speaker: Order!

Hon. Mr. Wells: Teachers and parents clearly want more objective information about

how well pupils are achieving, and that is what we intend to provide.

Mr. S. Smith: That is taken right off page seven.

Hon. Mr. Wells: As a result, the area of evaluation and testing has been the subject of considerable study within the ministry for many months. Last May, in the midst of our investigations, the cabinet met with the executive of the Ontario Teachers' Federation, which presented at that time an extremely constructive and helpful brief on behalf of the teachers of Ontario.

Hon. Mr. Davis: A good submission.

Hon. Mr. Wells: In that submission, the federation stated: "There appears to be widespread concern about levels of academic progress and behavioural standards being achieved in the schools. We may have reached the time when a comprehensive survey of school standards is needed so that remedial measures may be taken should these apprehensions prove to be well-founded."

This added further impetus to our own investigation and study. It was clear that we were not acting in a vacuum and that teachers had similar concerns.

Mr. S. Smith: How can you read that?

Mr. Breithaupt: Surprise, surprise.

Mr. Sweeney: We have been telling you that for 10 years.

Hon. Mr. Wells: Today, it is with a sense of appreciation and optimism that—

Mr. Nixon: Complete hyprocrite.

[10:15]

Hon. Mr. Wells: —I am able to report that the Ontario Teachers' Federation has agreed to work very closely with us in an effort to devise a workable and educationally sound plan by which the evaluation—

Mr. S. Smith: You didn't have a sound plan.

Hon. Mr. Wells: —and reporting of pupil progress can be improved in this province.

In order to achieve this, a unique technical work group has been formed, and it is at this moment beginning its first meeting in the Mowat Block.

Mr. S. Smith: Don't you have people in your ministry?

Hon. Mr. Wells: Chairing the group is Mrs. Claudette Foisy-Moon, who is executive assistant on the staff of the Ontario Teachers' Federation.

Hon. Mr. Davis: Relax.

Hon. Mr. Wells: Altogether, the group consists of 13 persons—seven named by the Ontario Teachers' Federation, four ministry officials and two representatives of the Ontario Association of Education Administrative Officials.

Mr. S. Smith: The Premier couldn't get a job as education consultant in Timbuktu.

Hon. Mr. Wells: The members of this technical working group are: Mr. Ross Andrew, president, Ontario Teachers' Federation, who is on leave from the Ottawa Board of Education; Mrs. Debra Richardson, a teacher at Camilla Road Senior Public School, Mississauga, Ontario; Mr. Roger Des Groseilliers, teacher at Ecole Secondaire, Algonquin, North Bay; Mrs. Edna Gannon, principal, St. Gregory School, Oshawa; Mr. Jack Cronin, vice-president, Ontario Secondary School Teachers' Federation, Toronto, and a teacher at South Lincoln High School, Smithville; Mr. Jack Lever, English consultant with the Etobicoke Board of Education, Etobicoke; Mr. Emmerson Lavender, director of education, Halton Board of Education, Burlington; Mr. Frank Fowler, superintendent of schools, Frontenac-Lennox and Addington Roman Catholic Separate School Board Kingston.

Mr. Breithaupt: Nobody from Lambton?

Hon. Mr. Wells: Mr. Douglas Penny, Mr. Lloyd Thompson, Mr. Jacques Giroux, and Mr. Ian McHaffie, of the research and evaluation branch of the Ministry of Education.

Mr. S. Smith: The biggest ministry in the government and you can't do your own curriculum planning.

Hon. Mr. Wells: I said this is a unique group. That is because it is not a study group in the ordinary sense but rather a group with a very specific mandate of great significance for the quality of education in our schools. To a large degree the study has been done over the past year.

What we want and expect now is a definite plan of action on how best to improve testing and evaluation in the classrooms, and how best to give teachers and parents a clear understanding of how their children are progressing so that they will be able to provide

appropriate assistance and encouragement as required.

A second notable characteristic of this group is that it is dominated numerically by representatives of the teaching profession. Let me say only with the teachers' help, we believe, can we make positively sure that the steps we take related to testing and evaluation will be in the best interests of pupils, their parents and the education system in general.

We know that the whole matter of testing and evaluation deserves urgent attention and I give credit to the Ontario Teachers' Federation in sharing this concern and, more importantly, in joining us in coming to grips with it.

The group which I have named has a big job. Its task will be to come up with a feasible and sound plan by which the evaluation of pupil achievement can be improved so that both teachers and parents, as well as students themselves, can see where more efficient or different approaches may be required.

As it proceeds with its assignment, a considerable amount of research and background information will be available. For example, officials of our new reasearch and evaluation branch have over the past year become very familiar with practices elsewhere.

Mr. Peterson: We forced you into it.

Hon. Mr. Wells: Also, the major research study dealing with the transition of students from secondary school to college or university —commonly called the interface study—will be available soon. It, too, will provide some very important insights in regard to the whole matter of evaluation and examinations.

Further, we have another research study about to begin which will survey pupil tests which are presently available from publishers and other sources, and will examine methods by which test results are communicated to parents.

In establishing the work group, we have three primary objectives: First, we want to help teachers to diagnose better any specific deficiencies in the levels of pupil achievement, especially in the basic skills, to help them improve classroom instruction and to work with individual students as required.

Second, we want to give all levels in the education system practical information which will help determine whether curriculum objectives are being met, and to assist in bringing about improvements where required.

Third, we want to give parents clear and understandable information about their children's progress and achievement, especially in the key basic skill areas, so that they can give assistance and encouragement at home, and more knowledgeably—

Mr. S. Smith: Word for word from our report. Suddenly inspired.

Hon. Mr. Wells: —discuss things in a constructive way with teachers. If there is a single overriding objective which we have in this renewed focus on evaluation and testing of pupil performance—

Mr. S. Smith: It's to win votes.

Mr. Cassidy: It's to stay in power.

Hon. Mr. Wells: —and achievement, it is that we want to ensure that "challenge" and "success"—

Interjection.

Hon. Mr. Davis: I mean, you are trying very hard, but is that true?

Mr. Sweeney: Would you like another copy of our report?

Mr. S. Smith: The road to Damascus.

Hon. Mr. Wells: —are meaningful words in every classroom in this province. Challenge and success—

Hon. Mr. Davis: That's right, none of this criticism.

Mr. S. Smith: Suddenly inspired.

Hon. Mr. Wells: Challenge and success, not failure.

Mr. Peterson: Sit and listen to that, Bill.

Mr. Sweeney: Plagiarism to the nth degree.

Mr. Peterson: You should be embarrassed.

Hon. Mr. Wells: Pupils have to be challenged to perform to the limit of their ability. Standards must be high. We must support our teachers in striving for and expecting top performance from their pupils, always remembering—and I can't stress this too much because it must be stressed—that the capabilities of each individual student are unique and cannot be standardized or categorized only by neat marks on a chart or a report card.

Mr. Renwick: You should have put that first.

Hon. Mr. Wells: We obviously have high expectations for the technical work group which is meeting for the first time today. It is a large and significant mandate which we have given them, and one that will doubtless continue over a period of time.

However, it is our hope that by the end of March, 1977, some specific ideas and plans will be forthcoming, which will have application in our schools next fall.

Mr. Sweeney: That's two thirds of the Liberal document. When are you going to take the last third?

Mr. Speaker: Oral questions.

PRICES AT HIGHWAY SERVICE CENTRES

Mr. Deans: Mr. Speaker, I would like to ask the Minister of Transportation a question. In his statement he indicated that he was well satisfied with the co-operation he got from Esso. What became of the co-operation from the others? Is there a similar kind of reduction in prices forthcoming from the other oil companies that operate on the two routes mentioned?

Hon. Mr. Snow: Mr. Speaker, a similar letter to the one that went to Imperial Oil Limited putting forward our proposal went to all the oil companies that hold leases on our freeway system. Imperial Oil has been the first one to react and reply to us and agree to these reductions.

Mr. Deans: Supplementary question: Has it ever occurred to the minister, since he has almost total control over who operates on these highways, that it might be in the best interests of the motoring public if he were to have some formula that would guarantee the maximum price to be charged, rather than leave it up to the whims of the oil companies and their discussions, one with the other, to decide what they want out of the public that buys from them?

Hon. Mr. Snow: That certainly is something that we looked into, and it has been the cause of one of the delays in coming to a solution to this problem. We were advised by my legal department that we should clarify any action that we would take with regard to the changes in the prices with the combines branch of the federal government. My legal staff took this matter up with Ottawa and we received back, I would say a month or two ago, correspondence—which I don't have with me this morning—stating that it was the combines branch ruling that we would be contravening their regulation if we were in any way to enter into agreements with all the oil companies in an attempt to fix gasoline prices at these stations.

Mr. Renwick: You could do it.

Mr. Peterson: Supplementary: Is the minister saying that if these other companies don't voluntarily comply there is no action that he will take? Is he saying it's voluntary on their behalf and he is not going to take any further action if they don't voluntarily decide to comply with his wishes?

Hon. Mr. Snow: I think, following from my previous answer, we are not able, under the federal legislation, to fix prices at the service stations. The adjustments to be made to their lease costs, due to deleting these excessive increases from the price of the gasoline before the lease costs are calculated, are only going to be made if we are totally assured that the full saving is passed on to the motorist. If those stations decide to keep their costs at the higher price, they will not benefit—I'm sure that obviously, because of competition, they will come to the altar.

Interjections.

Mr. Peterson: Supplementary: Are you prepared to enforce that?

Mr. Speaker: Order, please.

Mr. Germa: A supplementary: What sort of monitoring system has the minister in place to ensure that the remissions go to the benefit of the consumer and not to the benefit of the profit picture of Imperial Oil?

Hon. Mr. Snow: I don't know whether that question really deserves an answer or not. I've stated—

Interjections.

Hon. Mr. Snow: —that the decrease in the amount of the lease will only take place if we know and have proof that the saving is being passed on to the consumer. We have the calculations from Imperial Oil on the decrease it will be making in the price of gasoline at its stations. We will be monitoring this to make sure that those prices stay at that rate.

Mr. Singer: Would the minister say that the opinion he got from the people in Ottawa went so far as to say he couldn't fix the maximum price or fix a price? Surely it's not an offence under the combines legislation to fix a maximum?

Mr. Renwick: Or a price for this government.

Hon. Mr. Snow: Rightfully or wrongfully I have taken the advice of my legal advisers within the ministry; I think rightfully. I have read the letter from the combines branch myself. Granted it was a couple of months ago and I don't recall the exact details, but it was certainly the opinion of my ministry that we could not enter into agreements fixing prices.

Mr. Singer: I said "maximum."

Hon. Mr. Snow: I believe that also falls into the same category.

Interjections.

Mr. Deans: One final supplementary question in regard to this matter: Given that it's our opinion that The Combines Act does not bind the provincial government, how can the minister claim that the competitive aspects of the free market have any bearing on the prices on those controlled-access highways when the stations are strategically placed far enough apart that motorists cannot possibly pass them by in order to get to the next one? What nonsense.

Interjections.

Mr. Speaker: Order, please.

Hon. Mr. Snow: First of all, I'm going to take the legal opinion of my solicitors before I take the member's. That's the first point. Secondly, those service centres are not that far apart that motorists have to stop at every service centre.

Mr. Shore: No, you don't, not for gas anyway.

Mr. Breithaupt: It is handy, if they are near Tillsonburg.

Hon. Mr. Snow: Thirdly, I expect that the press will be reporting the fact that these decreases have taken place at the Imperial Oil stations and the public will be well aware of where they can buy their gas for less, if the other companies do not follow.

EDUCATION GRANTS

Mr. Deans: Mr. Speaker, I have a question for the Minister of Education. Can the Minister of Education tell us whether or not, in conjunction with the study being undertaken or the direction being undertaken, he has given any consideration to a further evaluation of the per capita grant structure to try to bring the elementary school system closer to par with the secondary school system, in order that there can be a sufficient amount of money available within that system to give the basic grounding in education which is required?

Hon. Mr. Wells: Mr. Speaker, of course our grant system is always under review and as a matter of fact we are in the process of having a joint group look at the grant system for financing education in this province.

Mr. Mancini: Everything you do is under review.

Mr. Warner: It is getting worse.

Hon. Mr. Wells: They'll be meeting shortly. It's not a formal technical group like this; it's an input group of trustees, teachers and experts in the finance field to study the whole idea of grant systems.

Mr. Peterson: You should legislate him right out of the ministry.

[10:30]

Hon. Mr. Wells: Certainly one of our objectives is to make sure the elementary system has the resources to do the kind of job we know it should do and is expected to do. In fact, my friend might be interested in knowing that the thrust that we have put in the elementary school system in the past several years has led to what I saw the other day, that the pupil-teacher ratio figures in the elementary schools, taking all those who have teaching certificates, are now just a little below 19 to one, compared with just about 16.8 to one in the secondary schools.

Mr. S. Smith: There are 36 in my kid's class because the teachers are administrating.

Mr. Shore: Bright kids.

Hon. Mr. Wells: There is, in fact, only about a difference of three in the provincial pupil-teacher ratio between elementary schools and secondary schools in this province now.

Mr. Sweeney: That is 20 per cent.

Mr. Deans: A supplementary question: In this in-house review that he is conducting, would the minister be prepared to table with the Legislature the actual pupils per class per teacher actually teaching, rather than the overall ball-park figure, which takes into account a great number of people who are either administering or who are involved in other than teaching in the classroom?

Hon. Mr. Wells: Of course, I can't table that figure for the hon. member, because what is done at the local level, pupil-teacher ratios having been set, is the responsibility of the local school board. We are in the midst of elections across this province right now—

Mr. Deans: You noticed that?

Hon. Mr. Wells: That's right.

Hon. Mr. Snow: We thought the member was going to be involved.

Hon. Mr. Davis: He nearly was.

Hon. Mr. Wells: The very questions the hon. member is directing here should be directed by the people to the trustees they are electing, because to a great degree they are the ones who set that kind of policy. They are the ones who decide how many teachers will teach full-time in classrooms, how many will teach part-time, how many administrative staff they will have, what kind of consultant staff and so forth. The hon. member should be putting his thrust in that direction.

Mr. Mancini: High-paid administrators.

Mr. Moffatt: You decide that.

Mr. Speaker: Order, please.

Mr. Nixon: Supplementary: I would like to ask the minister why the influence of the teachers' professional organizations is so great now, when the report which called for these changes was available to him, as it was to us, and raised in the House in the spring of 1975? Why has there been this unconscionable delay in seeing that the direction—

Mr. Speaker: Order, please. Has this to do with the grant system, which was the subject of the first question?

Mr. Nixon: Mr. Speaker, the question that was put to the minister first said, "On the basis of his statement, I would like to ask what the standards are." I submit, sir, that my comment is on the basis of the statement—

Mr. Speaker: Order, please. The question had to do with the possible increase of grants for the elementary school system, and it seems to me the hon. member's question is appropriate but not to this first question.

Mr. Nixon: On the point that you raise, Mr. Speaker, I will of course be governed by your statement. But do you recall the hon. member who asked the question saying, "On the basis of his statement—"?

Mr. Speaker: Order, please. I have made my ruling on that. It had to do strictly with the possible increase of grants.

Mr. Mancini: Why don't you listen to what he says?

Hon. Mr. Handleman: The question wasn't based on the statement, Bob.

OHTB BUS LICENCE

Mr. Deans: I have one final question, for the Minister of Transportation and Communications: Has the ministry done any calculation to show what the likely increase in subsidy will be if, as and when Trailways and Greyhound move into the more lucrative routes of the Gray Coach Lines?

Hon. Mr. Snow: No, we have not carried out any such study because, of course, we do not subsidize Gray Coach, Greyhound, Trailways, Stock Brothers or whoever else the hon. member is inquiring about.

Mr. Deans: Doesn't the minister realize that many of the routes that are being provided by Greyhound—

Hon. Mr. Snow: Gray Coach.

Mr. Deans: Gray Coach, I am sorry—are being subsidized directly from the more profitable routes that are likely to be handed over in part, if not in total, to Trailways and Greyhound—

Mr. Breithaupt: They've got stickers on the door.

Mr. Deans: —and it is eventually going to have to come to the government for assistance or this public company will not be able to operate in the areas where it is needed?

Hon. Mr. Snow: I don't accept that fact at all—

Mr. Breaugh: Which facts do you accept?

Hon. Mr. Snow: The intercity passenger business is surviving and doing very well in the province of Ontario. I don't believe there's necessarily any reason that there would be any necessity for subsidies in the intercity bus systems.

Mr. S. Smith: By way of supplementary—

Mr. Speaker: The hon. member for Hamilton West may call it a supplementary or his main question. It is his turn now anyway.

Mr. S. Smith: I'll call it a supplementary because that is what it is. Is the minister not aware of the public statement made by the head of the TTC, which owns Gray Coach, that it may well have to cut back the routes to Beaverton and Owen Sound and other rural and inter-urban routes because the $2 million to $3 million profit which it makes on the Sudbury and Buffalo lines will now likely be denied it and that as a consequence it will be in a losing position? Since it is owned by the TTC, the TTC deficit picture will therefore likely increase. Does the minister not see that connection?

Hon. Mr. Snow: No, I don't. First of all—

Mr. Kerrio: Buy more stickers to advertise the loss.

Hon. Mr. Snow: —the granting by the Highway Transport Board of partial parallel privileges to other operators does not take away anything at all from the operating rights of Gray Coach Lines.

Mr. Deans: It is not going to carry the same number of passengers.

Mr. Speaker: Order, please.

Hon. Mr. Snow: I was very surprised when several times, many times, during the estimates of my ministry members of the third party made a very strong point as to service to the public in transportation and the requirement for competition in both the bus and truck industries.

Mr. MacDonald: They are as mixed up as you are.

Hon. Mr. Snow: The Highway Transport Board considered all the evidence put forward—the representations of many municipalities involved in this and, I think, some 70 presentations from private citizens relating to service. On the basis of its mandate, the board decided in the public interest that these additional licences should be granted.

Mr. Speaker: A final supplementary on this question.

Mr. Deans: Doesn't the minister feel that as a matter of policy those routes which are most lucrative should not be granted to private companies over public companies unless they are prepared to take their share of the less lucrative routes along with them?

Hon. Mr. Snow: It is only natural, I think, that the hon. member's philosophy regarding private companies and public companies and mine differ considerably.

Mr. MacDonald: It is your philosophy that is now willing to undermine public enterprise after it has been established.

Mr. Peterson: Answer the question.

Mr. Breithaupt: Who is to service the others?

Mr. Speaker: Order, please.

Hon. Mr. Snow: I believe the companies involved—

Mr. S. Smith: Did Eddie Goodman offer to service Owen Sound too?

Mr. Speaker: Order, please.

Hon. Mr. Snow: —offer many services on many different routes throughout this province and throughout Canada.

PUBLIC TRANSPORTATION POLICY

Mr. S. Smith: I will ask a new question of the Minister of Transportation and Communications. Is there any government policy whatsoever governing the movement of people by bus? Has there been any adoption in particular of the following two points. One, is there or is there not a policy in Ontario which seems to have been for one carrier on one route? Two, is the government now trying in some way to discourage urban transportation operators from getting into or staying in the inter-urban and rural fields of transportation?

Hon. Mr. Snow: First of all the policy of the government is set forth in The Public Vehicles Act under which the Highway Transport Board carries out its duties. To my knowledge, there have been no changes recently to that Act which would change any policy. In many cases, only one operator has been or is licensed to operate over a particular route. On the other hand, public bus intercity transportation has been growing considerably. It is being encouraged. It is becoming a more major mode of passenger transportation. There is no reason when service demands it, that there should not be more than one operator on any particular route.

Mr. Cassidy: There is no policy.

Mr. S. Smith: By way of supplementary: Since it seems perfectly obvious that in the recent decision by the Highway Transport Board there is a genuine threat, not only to the taxpayers inasmuch as the financial position of Gray Coach has been seriously weakened—even as a company to sell to

private enterprise—but inasmuch as the routes in the rural areas and in the smaller areas of Ontario are now seriously threatened, will the minister delay signing the certificate which comes his way from the Ontario Highway Transport Board and is required prior to the granting of a licence, after which the appeal could take place? Would he delay signing that certificate and permit Gray Coach to make its case before some possible committee of the Legislature or before even the minister or his cabinet, so that there can be a public transportation policy in Ontario prior to this policy being made by tribunal, which is what's happening now?

Hon. Mr. Davis: One day you want a tribunal, the next day you don't.

Hon. Mr. Snow: No. First of all, I do not have to sign any certificate. The certificate to operate has been issued by the Highway Transport Board. It would be a normal process for my ministry on the presentation of that operating certificate to issue the operating licence. As I think I stated yesterday, under the provisions of the Act either party or any party in the action can appeal to the Lieutenant Governor in Council. I don't think it would be appropriate for me to delay the issuing of every licence under a certificate of the Highway Transport Board for 60 days to see whether there was going to be an appeal or not. This would delay the whole operation of the issuance of licences.

Mr. Nixon: This one you should.

Mr. Deans: Does the minister feel that maybe it would be appropriate for the government to establish a policy with regard to public transportation and set out clearly what it expects from any carrier given any licence in the province of Ontario?

Hon. Mr. Snow: That policy is very plain.

Mr. S. Smith: By way of final supplementary, is the minister not clear that we're not asking for review of every case that comes before the board? But in this particular case, would he consider a new public hearing, as he's permitted to do under 21(b) of the Act? Would he consider a public hearing in this case because it appears that policy is being made basically in a vacuum? Because there's no government policy, policy is being made by an administrative tribunal.

Hon. Mr. Snow: First of all, that is totally incorrect.

Mr. S. Smith: It is completely correct.

Hon. Mr. Snow: It is totally incorrect.

Hon. Mr. Davis: Totally. That means completely incorrect.

Mr. S. Smith: I will stand on this any time.

Hon. Mr. Snow: The mandate of the Highway Transport Board in dealing with applications for operating authority under either The Public Commercial Vehicles Act or The Public Vehicles Act is related to evidence that is presented before that board.

Mr. S. Smith: You don't care about the small sectors, do you, as long as your friends do okay?

Hon. Mr. Snow: It is related to the need to serve the public over the particular routes that are under consideration. The Highway Transport Board issued the certificate based on a great deal of evidence, on seven days of hearings, evidence put forward by both Gray Coach and the various applicants, evidence from municipal councils, resolutions, I believe, from municipal councils and evidence from the public that additional and improved service was needed on these routes. As I stated, there is a provision in the Act for an appeal to the Lieutenant Governor in Council. If that takes place, of course it will be considered.

Mr. Cunningham: Given the minister's predisposition on this particular case, will he disqualify himself from any appeal that may go to cabinet?

Hon. Mr. Snow: I would say no to that because I have not taken any previous position at all.

Mr. Cunningham: You just said so on TV yesterday.

Hon. Mr. Snow: I have said that personally as a minister I am not about to delay the certificate that was granted by the board—

Mr. Cunningham: That's not what you said.

Hon. Mr. Snow: —and that there are proper provisions for the dealing with this matter.

Mr. S. Smith: That's not what he said on television.

Mr. Conway: That is not a position.

Hon. Mr. Snow: If Gray Coach is so inclined, it can appeal the decision in the proper manner.

[10:45]

CONFERENCE ON MENTALLY RETARDED

Mr. S. Smith: A question to the Minister of Community and Social Services: Can he confirm that 60 officials from his ministry recently attended a conference in Ottawa, held by the National Association for the Mentally Retarded during the weekend of October 16, in which 14 of them were scheduled to take an active part? Does the minister feel that that is showing admirable restraint at a time when the Children's Aid Societies and other social services are very much in need of extra dollars?

Hon. Mr. Rhodes: They can be flown in by Otto Lang as a courtesy trip.

Mr. Breithaupt: Does that make it right?

Mr. Nixon: They wouldn't have to use Otto's plane. They could use the plane that goes to Chatham every weekend.

Hon. Mr. Rhodes: How about the helicopter coming to your farm?

Hon. Mr. Taylor: No, I cannot confirm that.

Mr. S. Smith: A brief supplementary: will the minister be kind enough to look into this matter and then table all expenses related to this conference, including travel, accommodation and registration costs?

Hon. Mr. Taylor: I'd be delighted to review that particular situation and afford the member the necessary information.

LAND TRANSFER TAX

Mr. S. Smith: I have a question for the Treasurer. Given the Treasurer's own somewhat publicized remarks that the land transfer tax has been under review by his staff and given the dismal state of housing starts, particularly multiple-dwelling accommodation under his regime, can he explain please why he did not include in his mini-budget the removal of the land transfer tax, at least as it applies to the building of apartment buildings or other multiple-dwelling units?

Hon. Mr. Davis: There goes the support of the Star.

Hon. Mr. McKeough: I think it was two weeks ago that I indicated I had instructed my officials, who are working with Consumer and Commercial Relations, Industry and Tourism and Revenue, to review these two taxes to see if changes are needed. That review is not yet complete. In the meantime, I would point out—and it must be obvious to the leader of the third party—that we have been dealing with a number of situations by way of exemptions because we are concerned about housing in this province.

Mr. Breithaupt: Louder.

Mr. S. Smith: By way of supplementary, directly pertinent to the temperate remarks of the Treasurer, do I take it then that the only policy the Treasurer is able to come up with to stimulate housing and multiple-dwelling accommodation is to continue by way of exemption in the hope that people will apply for these particular exemptions, and that there is no other policy to stimulate housing and construction in the province of Ontario at this time, other than these particular exemptions which the Lieutenant Governor in Council grants at its own pleasure from time to time?

Mr. Moffatt: Go get 'em.

Mr. Nixon: Did the Treasurer really get Ronto its exemption?

Interjection.

Mr. MacDonald: Calm down.

Mr. Speaker: Meanwhile back to the question.

Hon. Mr. Davis: The temptation is great.

Interjections.

Mr. Speaker: Order, please. We're all waiting for the answer.

Mr. S. Smith: He needs time to think.

Mr. Speaker: Order, please. The minister has the floor and he can answer the question.

Hon. Mr. McKeough: Thank you, Mr. Speaker. It is my understanding that my colleague, the Minister of Housing, spent some days before the resources development committee of the Legislature. I'm sure at that time he was able to put in front of that committee, and through them to the Legislature—

An hon. member: You should have been there.

Hon. Mr. McKeough: —our record in terms of house construction, which this year is going to be up. Starts are up slightly over last year.

Mr. Nixon: It speaks for itself.

Hon. Mr. McKeough: Our record in terms of a proportion in Canada is a good one. We're disturbed that there are unsold houses in Metropolitan Toronto and elsewhere in the province in large numbers. The problem is not as much one of supply; it is one of demand. My own view would be that interest rates are having a very substantial effect on moving new housing units today. Interest rates are not something that are in the responsibility of this Legislature or this government. But I'm sure that if the leader of the third party has something constructive to add to this ongoing debate about housing construction, the Minister of Housing would be pleased to engage in that debate with him.

Mr. Warner: He is called the minister without housing.

Hon. Mr. McKeough: There is a time and a place to do it. I would say to the member that his question is refreshing because it indicates a concern for something other than the wild goose chases he's been on for the last few days.

Interjections.

Mr. Speaker: Order. We'll have a supplementary from the member for Ottawa Centre first of all.

Mr. Ruston: Jack Miner's got lots of geese.

Hon. Mr. Henderson: He has lots of geese. Send them to your leader.

Mr. Cassidy: Mr. Speaker, a supplementary to the Treasurer. Perhaps I could put the question in more general terms. Could he assure the House that his government now agrees with the Liberal Party that Ontario should once again become a happy hunting ground for foreign land speculators?

Mr. Speaker: Order, please. That's not supplementary.

Interjections.

HOUSING STARTS

Mr. S. Smith: A final question following directly upon the Treasurer's remarks: Since his exact words were that housing starts are up slightly and that the record is a good one vis-à-vis the rest of Canada—

Hon. Mr. Bennett: Stop the world. I want to get off.

Mr. S. Smith: —and since he blames interest rates which, after all, apply equally throughout the country, how can he therefore say such things? How does he account for the fact that in Ontario urban starts in the first 10 months of this year have increased only eight per cent whereas in the rest of Canada, with the same interest rates, with the same problems in the economy, urban starts are running 20 per cent ahead of last year? Why doesn't he admit he has no policy in housing?

Hon. Mr. Kerr: Because there was a shortage but—

Mr. S. Smith: Is that a good record?

Hon. Mr. McKeough: If the member knew anything he would know that we have led this country in housing starts for a number of years. We are getting to the point where the rest of the country is starting to catch up somewhat.

Mr. Conway: Louder.

Mr. Speaker: Order, please.

Hon. Mr. McKeough: He is not—

Mr. Conway: A little louder.

Interjections.

Hon. Mr. McKeough: Mr. Speaker, I would simply say—

Mr. Riddell: Have you had your shots for distemper yet?

Hon. Mr. McKeough: —that this province is not always going to be ahead of other provinces in terms of growth. If we sincerely believe in this country—

Mr. Peterson: Dismally behind.

Hon. Mr. McKeough: —in doing something about regional disparities, we will not always lead the rate of growth.

Mr. S. Smith: But stimulate housing, for God's sake.

Hon. Mr. McKeough: Our rate of growth in housing as a proportion of the total over the last few years—

Mr. Warner: Switch to building court houses.

Hon. Mr. McKeough: —and again this year is very good. If the member would stop nitpicking and look at some of the facts which the Minister of Housing puts in front

of the House, he'd be a lot better off. He's not going to get anywhere going around with this gloom and doom—

Mr. S. Smith: Gloom and doom?

Interjections.

Mr. Speaker: Order, please.

Hon. Mr. McKeough: —because he doesn't know what he's talking about. He really doesn't know what he's talking about.

Interjections.

Mr. Speaker: Order, please. That was the final supplementary. It's developing into a debate. The hon. member will take his seat.

Mr. S. Smith: The incompetence of the ministry is unbelievable.

Mr. Speaker: Order, please. This has developed into a debate. Does the hon. member for Hamilton West have a separate question or was that the final one?

Mr. S. Smith: That's the final question.

Mr. Singer: Shouldn't you call the Treasurer to order after a dissertation like that?

PREMIER WOODWORKING

Mr. Lupusella: To the Minister of Labour; Mr. Speaker: Now that the Minister of Labour has a clear view of the situation with regard to Premier Picture Frame and the injured workers being fired by the company since—

Mr. Kerrio: Darcy has given up trying for the leadership.

Mr. Lupusella: —on November 10, 1976, I raised a question in the Legislature as to whether or not the Minister of Labour was ready to reinstate full compensation to those injured workers who lost their jobs as a result of that action and consequently were cut down by the board to 50 per cent in some cases and totally in some others—

Mr. Mancini: Speech.

Mr. Lupusella: —can the minister tell the House what she has been doing with the Workmen's Compensation Board to make sure those injured workers will get full compensation as soon as possible until such time as suitable employment is found by the rehabilitation department of the board?

Mr. S. Smith: You are doing well in Education and Housing, you guys. Keep it up.

Hon. B. Stephenson: Mr. Speaker, as the hon. member well knows, some of the employees who were retired from the Premier Picture Frame Company had that action taken because of their incapacity to do the job as a result of their physical limitations.

Interjections.

Mr. Speaker: Order, please.

Hon. B. Stephenson: If hey agree to return to the rehabilitation process they will, of course, receive full compensation benefits during that process and until suitable employment is found. Those who were injured or reinjured themselves on the job are, of course, being compensated.

I can tell the member as well that the vocational rehabilitation officer of the Workmen's Compensation Board is spending a good deal of time specifically with that company in order to improve the situation as much as possible for the workers who are employed there as a result of the direct action of the injured worker who is the president of the company.

Mr. Lupusella: Supplementary: Can the minister tell the House whether the board has an organized method for evaluating the quality of jobs offered to injured workers by prospective employers? Is there a blacklist of such employers and how much supervision does the board do of employers of injured workers so that the same situation found at Premier Picture Frame won't happen again?

Hon. B. Stephenson: There is investigation of the plants themselves, of the motivation of the employers, of the kinds of jobs which are going to be made available. There are inspections carried out by the rehabilitation officers as well which are reported to the rehabilitation programme at the Workmen's Compensation Board.

This situation, I gather, has been unique in the experience of the board and it's one which it is looking at very carefully. We are attempting to ensure that any aberrant situation does not occur in this kind of programme but it's a unique programme and it's one which both the board and, I think, the employers are trying very hard to make work.

BRADLEY-GEORGETOWN HYDRO ROUTE

Mr. Reed: Mr. Speaker, I have a question for the Attorney General. Since the Bradley-

Georgetown corridor hearings of necessity were called off at noon yesterday to obtain a judicial ruling on admissibility of evidence, would the Attorney General avail himself of the time between now and next April, which is the date of recall, to study the revelations made there in the last few days—namely, the evidence that Dr. Solandt owned property close to one of the corridor options in the study, an option which was dropped, and that the lawyer representing Hydro is on loan from the office of the Attorney General, as is the hearing chairman, and no such loan of personnel was offered to the farmers and landowners? Would the Attorney General satisfy himself and this House that these revelations do not constitute any conflict of interest?

Hon. Mr. McMurtry: I am not aware of the details related to these hearings of the past two days. I assume the member is making an allegation of conflict of interest—

Mr. Eakins: No, he is just asking a question.

Mr. Mancini: He didn't say that.

Mr. Speaker: Order, please.

Hon. Mr. McMurtry: —in typical third-party fashion, creating or trying to create a cloud of suspicion and innuendo about people who are serving the public of this province to the best of their ability.

Interjections.

Hon. Mr. Kerr: Old Wintermeyer Smith.

Mr. Speaker: Order, please.

Hon. Mr. McMurtry: I will look into it.

Mr. S. Smith: On a point of privilege, Mr. Speaker, this House has been through some very difficult days recently and I know I have played my own part in it as well, but, really, can opposition members not question the government about events which are going on which could involve possible conflict of interest—about which we do not have information but simply suspicions from time to time—can we not raise these questions without accusing anybody and not be accused ourselves of muckraking? Is it to be absolutely impossible to question this government?

Hon. Mr. Kerr: Yes, but don't slough it off on a back-bencher.

Mr. Speaker: Order, please. The question was allowed. No one denied that.

Mr. S. Smith: But we were accused. Call him to order.

Mr. Speaker: I might say that there have been innuendoes passed back and forth on both sides of the House and, really, it lowers the dignity of the chamber and the question period.

Mr. Cassidy: If you can't stand the heat, get out of the kitchen.

Mr. S. Smith: Why don't you ever look that way?

Mr. Speaker: Order, please. That behaviour doesn't help any either, I might say. I mean the interjections. Order, please. I'm talking to everyone. I'm headed this way because the microphone is this way.

Mr. Reed: Mr. Speaker, on a point of personal privilege, I would like to make it clear to this House that I was not indulging in any innuendo. I was simply relaying information which was presented as evidence at the corridor hearings in Acton this week.

An hon. member: The Attorney General should withdraw that statement.

Mr. Speaker: The hon. Attorney General said he would look into it, I'm sure.

[11:00]

Mr. Germa: Mr. Speaker, the Minister of Natural Resources is on his way out of the chamber. I wonder if I could put a question to him?

Mr. Speaker: Perhaps he can hear you on the way back to his seat.

FROOD MINE INQUIRY

Mr. Germa: Is it the minister's intention to conduct a complete review of the Frood Mine No. 3 shaft operation, as recommended by the coroner when inquiring into the death of Mr. James Cullen last week in the city of Sudbury?

Hon. Mr. Bernier: I didn't hear the first part of the question, Mr. Speaker.

Mr. Speaker: Could you repeat it?

Mr. Germa: Is it the minister's intention to conduct a complete review of the operation at Frood No. 3 shaft, as recommended by the coroner's jury in its inquiry into the death of Mr. James Cullen last week?

Hon. Mr. Bernier: Yes, Mr. Speaker, that is our definite intention.

Mr. Germa: Could I ask the minister when the review will be getting under way?

Hon. Mr. Bernier: I'll ask my staff to give me a date on that. I should have the information by Monday next as to when it can get under way.

PELEE ISLAND POLICING

Mr. Mancini: Mr. Speaker, I have a question of the Solicitor General: Is the minister aware that OPP officers were called to Pelee Island at 7 p.m. on Saturday, November 20, following a violent incident and they did not arrive on the island until November 22, which was Monday? Also, is the minister aware that because of the islanders' frustration due to lack of adequate police protection they are threatening to form small vigilante groups?

Hon. Mr. MacBeth: Mr. Speaker, I am aware of part of what the hon. member has asked, but certainly not all of it. I haven't heard that last part at all. Our problem with Pelee Island is that it has a population of 644 people. During the summer months and in the fall of the year, especially during the pheasant hunting season, a large number of American and Canadian tourist-hunters frequent the island, but during the rest of the season it is relatively quiet. There is limited transportation to Pelee Island. The size of population doesn't in itself warrant a police officer to be stationed there all the time.

I admit there are problems in getting back and forth. If there is an emergency we will fly an officer over, but that becomes a very costly operation. We are presently trying to see what we can do about improving the situation. There is a ferry that goes once a day or so in the off season, and I admit that's the way that our police officers ordinarily have to go across. We will do what we can to give better patrol of the island, sir.

Mr. Mancini: Supplementary: Is the minister prepared to tell this House why it took two days for an officer to get over to the island, and is he prepared to report to this House what kind of police protection he is ready to offer these islanders?

Hon. Mr. MacBeth: Mr. Speaker, I thought I had given some explanation of why it took a little time to get over to the island.

Mr. Mancini: Not too much.

Mr. Conway: Might you send Lorne down?

Hon. Mr. MacBeth: I suppose we could supply them with a helicopter just to go over to Pelee Island, but I don't think the opposition is really asking that. I have said we would see what we could do to improve it. It is not an easy situation, but I will investigate this particular matter that the member has asked about.

Hon. Mr. Henderson: Should I come down, Remo?

Mr. Nixon: You spend most of your time there except when you are in Grand Bend.

Mr. Bounsall: A supplementary to the Solicitor General on this matter: Being as the residents of Pelee Island pay taxes for adequate police protection and being as it is not being provided easily in this case, would the minister consider arranging a rebate of taxes—

Hon. Mr. MacBeth: Mr. Speaker, I cannot hear the entire question.

Mr. Speaker: Order, please. We can't hear the question here with the cross-conversations going on. Please!

Mr. Bounsall: —so that they could at least hire some adequate officers themselves if they can't be serviced in the normal way by the OPP?

Hon. Mr. MacBeth: Mr. Speaker, I couldn't hear the entire question, but I gathered it was, would we subsidize some other officers over there. Was that the question?

Mr. Bounsall: Rebate the taxes, yes. Being as there are difficulties with the OPP properly servicing that island, being as those residents pay taxes as well, would the minister consider an arrangement whereby some provincial tax rebates could go to that island in order that the people be able to provide adequate protection themselves?

Hon. Mr. MacBeth: No. We will give them adequate police protection and they have adequate police protection. All I'm saying is that we can't get an officer over there in five minutes. There are many other parts—let's be realistic about it; sometimes in this House the hon. members opposite just don't realize the realities of life.

Interjections.

Mr. Speaker: Is there any other response to this question?

Hon. Mr. MacBeth: There are many areas of the province where we can't give immedi-

ate police service or where we can't give immediate fire service. All I'm saying we will do the best we can. But as for giving any tax rebate that's utter nonsense.

Mr. Speaker: The member for Windsor-Walkerville.

Mr. Breithaupt: Why can't we take one supplementary question?

Mr. Speaker: There was a final supplementary. This is the next turn.

Mr. Breithaupt: That was a new question, Mr. Speaker.

INFLUENZA VACCINATIONS

Mr. Burr: I have a question of the Minister of Health regarding the Victoria flu vaccine, of which there are no supplies available in Ontario this fall. Since many heart patients are being advised by their physicians not to take the swine flu shots but to take their regular annual Victoria flu shots, can the minister predict when supplies will be available in Ontario?

Hon. F. S. Miller: I'm very discouraged if doctors are recommending to someone not to take the bivalent shot, because it contains the Victoria vaccine. In fact, it's one of the safest vaccines that has been produced yet. It has a lower reaction rate, I am told, than any of the other previous vaccines have had.

I mentioned yesterday that we had ordered from some Canadian sources of supply. I've learned since that that contained Hong Kong and A-Victoria 75 as the basic content and that that material did arrive in Ontario—I think 100,000 doses—and was available through the central pharmacy. I would still say that if a doctor thinks any patient in this province with a chronic lung or heart disease requires A-Victoria 75, then that doctor should be recommending that they take the free bivalent swine flu, Victoria vaccine.

Mr. Burr: They know that.

FUNDING AND TUITION FEES

Mr. Sweeney: I have a question of the Minister of Colleges and Universities with reference to his statement yesterday in which he claimed that the current tuition fee increase represents about 14 per cent of the costs going up to 16 per cent. On that basis how can he justify any increase for undergraduate university students, who are currently paying 26 per cent of their costs, which will rise to 30 per cent?

Hon. Mr. Parrott: I would think the member would have to indicate the particular undergraduate course that he had in mind.

Mr. Speaker: The oral question period has expired.

POINTS OF PRIVILEGE

Mr. Riddell: On a point of privilege, Mr. Speaker, I asked you yesterday if you would look into a matter and I thought you might come back with a report today. My question to you was, would you ascertain whether a member of Parliament can arrange a press conference for a constituent in this building, using the facilities here, at public expense?

Mr. Speaker: No, I really have nothing to say about that.

Mr. Reed: On a point of privilege, during the question period the Attorney General in reply to my question accused me—and I can't relay the exact words—of indulging in innuendo—

Mr. Speaker: I think we discussed that and the member should have brought it up at the time.

Mr. Nixon: He did.

Interjections.

Mr. Speaker: Order, please. The point of privilege should have been raised immediately.

Mr. Reed: I did raise it and I was cut off, Mr. Speaker.

Interjections.

Mr. Speaker: It is very difficult to hear with all the interference. I'll listen to the hon. member.

Mr. Reed: Thank you. I was accused of indulging in innuendo over simply stating some revelations that were made at these hearings. I was there when those revelations were made by the lawyers. I have not got the information secondhand, I was witness to this. I think, Mr. Speaker, that the Attorney General should withdraw that accusation.

Mr. Speaker: Does the hon. Attorney General have any comment on the statement of the member?

Mr. Peterson: A withdrawal.

Hon. Mr. McMurtry: I certainly have nothing to withdraw, Mr. Speaker.

Interjections.

Mr. Speaker: Order, please.

Petitions.

Presenting reports.

REPORTS

Hon. F. S. Miller presented the annual report of the Ontario Cancer Institute for the year ended December 30, 1975.

Hon. J. R. Smith presented the annual report of the Ministry of Correctional Services for the year 1975-76.

Hon. Mr. Davis: Mr. Speaker, I don't know whether this constitutes a report but I think I said to the member for Wentworth that I had sent a certain letter. I said earlier in the week that I would table a copy of the letter I sent, so I am tabling a copy of the letter which was sent to the boards of health and those connected with it.

Mr. Deans: Will the Premier table the answer when he gets it?

Hon. Mr. McKeough presented Volume 1, Financial Statement, Public Accounts, 1975-76.

Mr. Speaker: Motions.

Introduction of bills.

FUNERAL SERVICES ACT

Hon. F. S. Miller moved first reading of Bill 171, The Funeral Services Act, 1976.

Motion agreed to.

Hon. F. S. Miller: Mr. Speaker, this bill is a revision of the present Embalmers and Funeral Directors Act. The new bill does away with the distinction between funeral directors and embalmers. It creates only one type of professional, namely the funeral director.

For the information of the members, I would point out that all funeral directors in the past were embalmers.

The funeral directors will be governed in much the same way as other professionals are under The Health Disciplines Act, 1974. The bill also provides for the first time that funeral service establishments be licensed in order to control better the operations of such establishments. Hearings and appeals are provided for in all licensing matters.

Complaints by the public against licensed funeral directors or funeral service establishments will be dealt with in the same manner as under The Health Disciplines Act, 1974. The bill provides for the making of regulations governing the display of funeral supplies.

MUNICIPAL ELECTIONS FINANCES REFORM ACT

Mr. Cassidy moved first reading of Bill 172, An Act respecting Municipal Elections Finances Reform.

Motion agreed to.

Mr. Cassidy: With your consent, Mr. Speaker, I would like to refer in a short statement to two other bills which I will be introducing in a minute. One is an Act respecting municipal candidates and the other one is an Act respecting the establishment of ward boundaries.

The three bills are being introduced in order to bring about a significant reform of Ontario municipal elections. There are other things which may be needed as well, including a change in the municipal elections' date, but these are matters of great urgency.

When less than 30 per cent of the electorate normally turns out to vote, municipal government is in deep trouble. The aim of the proposals in these three bills is to provide better municipal representation; to make candidature for municipal office more accessible for people of modest means; to remove the undue advantage enjoyed by incumbents in elections which are held at large; and to prevent developers and other large contributors from exerting undue influence on municipal government.

The first bill, The Municipal Elections Finances Bill, provides spending limits for municipal campaigns which range from a maximum of $1,000 for a ward campaign in a small city to $20,000 for a big city campaign for mayor. Campaign contributions which exceed 10 per cent of the spending limit for the office being sought would be prohibited.

A candidate who violated the Act would risk losing his seat on council or, if he had been unsuccessful, he would risk losing his right to stand at the next election. In certain cases where there was a gross violation, the seat would be automatically declared vacant.

[11:15]

The need for this bill is demonstrated by the situation we now have in the city of Ottawa, where, by municipal bylaw, there is a spending limit of $10,000 on board of control campaigns, but where one candidate, Pat Nicol, is spending $25,000 or more on a very lush and rich campaign—

Mr. Speaker: Order, please. Would you please stick to the principle of the bill, don't debate it.

Mr. Cassidy: —violating the rules, and this demonstrates that it is not possible within present municipal powers to have an enforceable spending limit.

Mr. Speaker: The hon. member is debating it now.

Mr. Cassidy: The Municipal Candidates Act, the second of the bills, is intended to make it easier for ordinary citizens to seek and hold municipal office by discouraging them from being discouraged by their employers. The bill guarantees municipal candidates the right to leave of absence from their jobs when they campaign between the nomination day and the election day. It protects them against dismissal or other disciplinary action by their employer. If someone is elected who works for a firm employing more than 25 people, he or she would have the right to leave of absence for up to five years, and thereafter to return to the job within that period.

The third bill, The Ward Boundaries Act requires any city or municipality with a population of 25,000 or more to be divided into wards for the purpose of a municipal election, again to improve representation and to improve the access to municipal office for ordinary citizens of the province. I hope that these bills will be debated and hopefully accepted by the government.

MUNICIPAL CANDIDATES ACT

Mr. Cassidy moved first reading on Bill 173, An Act respecting Municipal Candidates.

Motion agreed to.

WARD BOUNDARIES ACT

Mr. Cassidy moved first reading of Bill 174, An Act respecting the establishment of Ward Boundaries.

Motion agreed to.

Mr. Speaker: Orders of the day.

House in committee of supply.

SUPPLEMENTARY ESTIMATES, MINISTRY OF NATURAL RESOURCES

Hon. Mr. Bernier: Mr. Chairman, we have two specific items in the supplementary estimates for which we would appreciate your concurrence. One item under vote 2301, item 8, is a $250,000 amount, as was announced by the Treasurer (Mr. McKeough) Monday last. It is the funds for the Isolated Communities Assistance Programme, and just to give you a brief review of how we arrived at this particular point in time with this particular package, you will recall about three years ago we introduced Bill 102 dealing with a new idea, or a structured piece of legislation that would put into place some form of minimal municipal structure in many of the now unorganized communities of the north. That was given first reading and then it was circulated to those various communities. Assistance was given to establish committees and organizations that could look at it in a very broad way to see how it would fit into their particular field and to their particular liking.

It was obvious, after they looked at it, that it left the door open for too much structure. I think that's about as simple as I can put it. They were concerned that they didn't have the assessment, they didn't have the expertise, within the smaller communities, to go the route suggested in this particular bill.

They have responded with the idea, and we've accepted it, that we move ahead on an ad hoc basis. In other words, with a fund which could be administered by one ministry, which would be very simple to get at and one with a programme which would deal with the specific needs and the priorities of these smaller communities.

As the members fully realize, there are a number of programmes now within the various ministries of the government designed to assist the unorganized communities. I refer to the statutory labour board and the local roads board under the Ministry of Transportation and Communications and recreational grants available through the Ministry of Culture and Recreation. There are a number of similar such programmes which do help the unorganized communities but there are areas in which they cannot get assistance because they have no formal municipal structure.

This particular programme is designed to meet that urgent need. I have not a specific method to announce on how it will be administered or funded. It'll be handled by my particular ministry.

I had thought it would come under the purview of the NORT committee on which my colleague, the Minister of Housing (Mr. Rhodes), and my other colleague from northern Ontario, the Minister without Portfolio (Mr. Brunelle) from Cochrane North, sit now. They would be the committee which would give final approval as the cabinet committee.

That has not been finalized yet. It's a suggestion I'm going to make to the two groups, UCANO east and UCANO west, whom I've contacted and asked to sit down with me and my staff to work out the procedures.

I have to make it very clear that I want to make the procedures as simple as possible so that they can come forward with their requests. I don't intend this particular programme to be a straight handout or welfare programme.

Mr. Ferrier: They don't want that.

Hon. Mr. Bernier: I want to make sure there is local participation, local support, for any request which comes forward.

Mr. Ferrier: They just want a return on their taxes.

Hon. Mr. Bernier: That's right. I'm fully prepared to do that. I see the programme as one which deals basically with capital requirements and I am going to give my priority to fire protection. I think that has to be a No. 1 priority in the isolated communities.

Of course, in this vein, the participation aspect, I think they have to be involved. The desire has to be there. They should form, maybe, a volunteer fire department as an example. We may ask them to put up a certain amount of community funds and we, of course, could put up the bulk of it to provide them with the necessary facilities and the equipment they would require to give them some fire protection.

There are a number of other areas I envisage us moving into—possibly street lighting in the smaller communities; maybe garbage disposal; a community well. I'm sure that as we go down the road and meet with the people of the isolated communities, they will have a number of other suggestions to make to us as to how this fund can be very productive.

Mr. Laughren: Count on that.

Hon. Mr. Bernier: As the Treasurer indicated to the Legislature, this $250,000 is for this fiscal year to the end of March. In next year's budget he has planned to put a further half a million dollars so that in the next 16 months we will have $750,000 to put into the isolated communities of this particular province—those communities, as I said, which don't have a municipal structure.

I'm looking forward to those discussions with the groups. We're going to work very closely with them to get their input and to pull together a programme which is effective, simple and productive.

The next item would be under vote 2302, item 4. That's for an amount of $19,750,000 for extra fire-fighting expenditures incurred during this past season. I'd just like to read into the record some of the reasons for these extra expenditures. The 1976 season has been by far the worst on record for forest fires. To date, some 3,981 fires have occurred, about 800 more than ever before, which burned over approximately 1.3 million acres of forest land. A period of about two years of much below average precipitation, associated with a continuous flurry of dry lightning storms which caused 2,057 fires, created a situation where instant fire starts and rapid fire spread caused very difficult fire control situations. A total of $1.5 million of private property was lost this past summer including tourist outfitters' headquarters, summer cottages, cut timber, logging equipment, etc. The Crown timber losses are not known at this time but they are significant. We estimate those to be at about $21 million but that is only a guesstimate at this particular time.

Without the expenditure for which we are asking approval today in these supplementary estimates, the probability of human life losses and a great increase in the private property losses and the Crown timber losses would surely have resulted. That view is acceptable to the general public also. The extra fire-fighting expenditures this year were spent as follows: salaries—$8.3 million; aircraft rental, both fixed-wing and helicopters—about $8 million plus; replacement of fire suppression equipment—approximately $700,000; and purchase of chemicals and fire-retardant liquids—$500,000. The remaining $4 million was expended on supplies, communications equipment and cost of transportation of equipment and personnel.

I would only be too pleased to answer any questions that the members may have on these specific figures.

Mr. Deputy Chairman: Perhaps we could deal with this vote by vote. The Chair did permit the minister to comment on both votes, but I think we should deal now individually with them.

On vote 2301, ministry administration programme; item 8, northern affairs:

Mr. Deputy Chairman: The hon. member for Nickel Belt.

Mr. Conway: Knuckle bolt.

Mr. Breithaupt: Loud and thunderous applause.

Mr. Laughren: The minister quite appropriately sketched a little bit of the background to the problems of the unorganized communities and the government's introduction of Bill 102, which I thought was a very useful exercise. I thought they started out the right way by taking the bill across northern Ontario. At that point, I think we diverged on our analysis. I read that whole exercise, starting out in good faith but not ending up the same way. When this task force went across the north, into about 30 communities, I think they didn't realize the enormity of the problem as they headed out; when they became aware of the enormity, they started to back off from the implementation of such a bill. I think that the citizens in those communities expressed in no uncertain terms what their expectations were from the government. The bill itself would not have fulfilled those expectations.

It's a very difficult problem. While in opposition we still recognize, no matter who is the government in this province, that to tackle the problems of the unorganized communities is a very difficult and a very extensive problem. We have some suggestions to make. People sometimes think that it's just northern Ontario alienation talking again, that people are just dissatisfied in northern Ontario and that that dissatisfaction is expressed through their opposition members of the Ontario Legislature. They really wonder whether or not there is that much substance to the complaints.

[11:30]

I think this minister, being from the north, should understand that it's not just alienation; that the problems are real and in some cases are quite serious. In the background paper entitled, Proposals for Improving Opportunities for Local Government Services in Northern Ontario, which the minister tabled, I was struck by what was written in appendix B, where they were reiterating the problems that the communities expressed themselves when those meetings were held. I would like to quote from a section called, Local Problems and Needs:

"Among the problems discussed or noted were: land problems (small lots in old sites, poor drainage); poor physical services (expensive hydro, no communal water or sewer services); long distances from major centres and facilities (and therefore, for example, poor medical services); lack of resources for community services (fire protection, recreation, commercial outlets); low or seasonal income, ageing populations; confusion about government due to isolation . . ." They might have added that the government is confused about their isolation as well, because at this point it really has not come to grips with it.

In the riding that I represent, Nickel Belt, there are many examples or models that could be used for the unorganized communities. The minister is aware of some of them, like Foleyet, Gogama and Sultan, where all of those problems are present. And they are not communities of 50 people; they are communities of 500 or 600 people, which is a substantial size.

In the Legislature, I've always used Gogama as the example of the severity of their problems, because it's a relatively sophisticated community compared to a lot of communities across northern Ontario. They have a Ministry of Natural Resources complex there, the Ontario Provincial Police, and a number of private homes; it's a railway town. The government has been aware for some time that there are serious problems in that community in terms of the water supply being polluted with nitrates; and, as the minister might know, nitrates are not something that you can filter or boil out of the water. The problem is serious.

I must say that just this morning the Minister of the Environment (Mr. Kerr) sent a note across to me containing a letter of thanks from Gogama dealing with the installation of a hydrant in the town. Shortly after the hydrant was installed, there was a major fire in the community and a service station burned down. Had the hydrant not been there—and it's only been there for a couple of weeks—there is no question in my mind, and in the minds of the people who were there at the fire, that the main street would have gone up in flames in Gogama—certainly some other dwellings around it. The people in Gogama, therefore, were expressing their appreciation for that hydrant. I said in a note to the Minister of the Environment that he should understand his ability to do good in those small communities by the installation of things such as fire hydrants and other kinds of water services.

The solution has not been resolved there yet. The former Minister of the Environment (Mr. W. Newman), when he realized the problem of the nitrates, decided that the solution was a community task. That is as close to being an insult, and as close to recognizing a double standard in this province, as I can think of. I cannot think of a community in southern Ontario where we would put in a community tap. I can't imagine that, but that was the government's solution to the water supply problem in Gogama.

Mr. Conway: Lorne has a community tap, but it's a different kind.

Mr. Laughren: It's located inside a large barrel.

Mr. Breithaupt: It's not a tap, it's a pump.

Mr. Laughren: The government still has not come to grips with that problem. These supplementary estimates and its northern assistance fund are not going to solve the problem. I'm worried about it, because there is no statement of principle associated with this new northern assistance fund. It's merely that supplementary estimates that will be supplied—$250,000 this year and $500,000 the next year. That's not saying, for example, to the people in the small communities of northern Ontario that we believe there is a minimum level of services to which they are entitled. There is no statement like that in what either the minister or the Treasurer has said in their announcement. The $500,000 that is going to be allocated next year, to do a proper job that would service Gogama, because for the water supply we talked about a quarter of a million and if you ever put in a sewage system as well, there goes your half million dollars—probably more.

I think that the minister should look at alternative methods of providing those kinds of services. I'll be specific.

If, for example, in a community such as Gogama there is a potable water problem—and we all know there is one there, and in lots of other communities—then I think we should look at, first of all, communal water supply, which is not as expensive as getting into the full sewage system programme. Also, there is something offensive about allowing a water table to remain polluted, even though the people are not drinking the water.

In Gogama, for example, that water table is becoming increasingly polluted and the pollution is working toward the lake. Every year when they do their tests, the pollution is closer and closer to the lake so that eventually we feel that lake is going to become polluted.

It is not good enough to say, "Well, we will put in a communal water supply and you can go on using your open-bottomed septic tanks." In the railway towns, a lot of the people have taken railway ties and built open-bottomed septic tanks. The ministry, in co-operation with the Ministry of the Environment, should be looking at things like the humus toilets and chemical toilets that have been developed. I think they cost around $1,000 each and I am sure the government could arrange a better deal than that. That would be much less than the subsidy that would go for a sewage treatment plant. I think it should be looked at in a serious way.

This is what is bothering me about this new programme the minister has announced. There is a subsidy of up to 75 per cent for sewer and water projects in organized municipalities. Here there is no indication of providing subsidies to the isolated communities. I think that the minister should understand that with the amount of money the ministry has, the line-up at his doorstep is going to be long, because $500,000 isn't going to go far. If it is simply a pork barrel from which will come $10,000 for this community and $10,000 for that community, then it is not going to solve any of the serious problems.

Sure there will be recreation grants spread across northern Ontario and I suppose the minister will see it as politically advantageous to be able to hand out a $10,000 cheque to a small community. But, for example, if that was done in Gogama the people would accept the $10,000 and they would still have their water problem, they would still have their sewage problem, they would still have their fire protection problem, they would still have poor medical services, still have expensive hydro and all the minister would be doing would be putting little Band Aids all across northern Ontario when we all know that major surgery is what is required.

The problem has existed for 30 years and leaving it will only make it worse. I divide the problems up there into two areas. One is the areas like Sault North and the area around North Bay, which are not isolated but where the problems may even be more serious and more complex than those in the isolated communities because of the proximity to large communities and the pressures on development in those areas. In the small communities the problems are serious, but they can be looked at as a unit and other communities are not involved in the solution to those problems.

But I think that if we leave them—and this is what is really bothering me about this—if we leave the problems as they are now and disperse this money in $10,000 amounts all across the north, those problems of pollution and development and medical services which I outlined are going to get worse in the next 30 years. I hope that the minister, when he meets with the Unorganized Communities Association of Northern Ontario, east and west, that he will really emphasize to them the need for them to establish their own priorities.

I really think that is what is needed—to say to those people, "Look, you've got 30 communities in your association, now you get together and you decide what the priorities are and then come to talk to us and we will split up the money as best we can," rather than this other system of just handing it out according to the applications which are mailed in.

That's not a priority system and I sure hope they will allow the Unorganized Communities Associations to establish the priorities. There'll be some in-fighting within those associations, we can be sure, because each of those communities regards its problems as being very serious, and that's true. I think it's terribly important that the money not be frittered away in $10,000 amounts all across the north.

The debate has been almost friendly so far but I can tell members I'm concerned about this ministry and this minister having charge of this programme because increasingly this minister is the symbol of this Ontario government all across northern Ontario. He is the symbol of northern Ontario, more than the other northern members, because he's a high profile minister and his responsibilities are enormous in northern Ontario. It bothers me because he does not seem to have the kind of appreciation of the problems in the north that I think he should have.

For example, it's his ministry which is pulling out of some of the very small communities in northern Ontario. He's pulling out his little division offices, or the little district offices. I could give a couple of examples just in Nickel Belt, Sultan and Foleyet where they are phasing out the Ministry of Natural Resources offices.

Mr. Ferrier: Out of Foleyet?

Mr. Laughren: Yes, they are phasing it out and there is almost nothing left there now.

Hon. Mr. Rhodes: The member for Cochrane South (Mr. Ferrier) is insisting that they go to Timmins.

Mr. Laughren: No, he's not. He's not saying they close out the small communities like Foleyet and Sultan. It needs to be understood that in those small communities a natural resources complex, even if it employs only 10 or 15 people, is terribly important to that community, way beyond the payroll represented by those people. Symbolically it's important as an indication that the government is aware and has a presence in that community. For them to be pulling out is a slap in the face.

I think the minister's record on resource depletion is terrible. Whether we're talking about mines or whether we are talking about forests and the lack of reforestation, he has not done the job he should have been doing in northern Ontario.

On the health and safety of miners in northern Ontario, the Minister of Natural Resources is very closely identified with the problems of safety in the mines. The minister has a major responsibility for that.

The trampling on the rights of native peoples is becoming identified with this minister as well because of his cavalier attitude toward their problems in northwestern Ontario in particular.

The plight of the unorganized communities is something this minister could have done something about a long time ago because of his presence in the Ontario cabinet.

We are worried about this minister administering the programme. We think his record of partisan politics is not what's required to solve the problems in the small communities. As a matter of fact, I've often thought that the best friend Ed Deagle has is the Minister of Natural Resources.

Hon. Mr. Bernier: He'd love to hear that

Mr. Laughren: The minister has encouraged that alienation in northern Ontario. He has allowed people like Ed Deagle, or has encouraged people like Ed Deagle and given him credibility across northern Ontario. The minister has increased the alienation more than any other minister in that cabinet—more than anyone else, he has done it.

Hon. Mr. Bernier: You are being provocative.

Mr. Laughren: In northern Ontario's isolated communities we'll take that $500,000 and hopefully the priorities they establish will be the right ones. I don't think that's for the minister or me to determine; I think they should do that.

We think the real solution is for the minister, first of all, to establish a minimum level of services to which he thinks the people are entitled. The minister mentioned fire protection—I agree that's terribly important. There are medical services of some kind. It doesn't have to be a medical practitioner in every small community of 500 people but there are such things as nurse practitioners or ambulance services for those people.

There is the provision of some kind of sewage and water system where there's a potable water problem. I think that's something which is terribly important. There are recreation facilities, of course, as well. We think the minister could establish a minimum level in principle, not that he would provide it immediately; no government could do that overnight, but he hasn't even established that principle.

[11:45]

Whenever I drive down to Toronto, I drive down Avenue Road. Last week was a good example. I was in Gogama on the weekend and I drove around and went to the site of the fire and met with the people, came back down here and when I am driving down under the bypass on Avenue Road, I drive under a bypass not far north of here, and there I look out the car window, the traffic was slow, and there were pretty blue bathroom-like tiles on the walls of the underpass and I thought, my goodness, I have come from Gogama to Metro Toronto, and I have come from the problems that they have with their water supply and all those other problems which I have talked about, to a community that can tile its underpasses.

There is some kind of double standard there. I think that the minister really is only playing with the system, and as for the $500,000, I am sure he would admit that if he could get more from the treasury board, he would get more, but the fact is that at some point we have got to say that the double standard of service is simply not acceptable, establish that in principle and get on with the job of providing the kind of services that the people in the north are entitled to.

Mr. Conway: I shall try to confine my remarks to a reasonably brief period. I believe we are adjourning at noon. Just to begin—

Mr. B. Newman: Are you two sitting together?

Mr. Conway: I must begin at the end, so to speak, when I recall what my friend from Nickel Belt had to say about the symbolic importance of the profile of the member for Kenora (Mr. Bernier) as somehow being more significant perhaps than that of the good and honourable member for Sault Ste. Marie (Mr. Rhodes). A symbolic comparison like that I cannot imagine, and I don't quite see how it is that the member for Kenora could somehow be more important in northern Ontario than our good and honourable friend from Sault Ste. Marie.

Hon. Mr. Rhodes: More profile but not near the talent.

Mr. Laughren: Profiles do you more harm than good.

Mr. Conway: I certainly want to lend my support and the support of my party to the fund that has been spoken of. I have a personal experience of perhaps a slightly different kind than that of my good friend from Nickel Belt. My riding, perhaps like the riding of my good friend from Parry Sound (Mr. Maeck), whom I see seated across from me this morning, is one of those ridings which straddles that no man's land almost, the buffer zone between southern and northern Ontario. I speak in this particular matter as a person with a foot in both camps, because my riding is anchored in the heartland of good and solid eastern Ontario but there are northern reaches which extend into the district of Nipissing and therefore put us into the geographic designation of northern Ontario. I bring to this discussion perhaps a very keen sense of some of what has been talked about, because my own background is closer to the district of Nipissing. One community in particular I think of here is Whitney, which has 1,000 people, located at the bottom end of the district of Nipissing, a community that is probably best known for being the east gate and the east entrance to Algonquin Provincial Park; a community that, as I said, has about 1,000 people and a community that really draws its basic raison d'être from the presence longstandingly of the Ministry of Natural Resources. So it is with that particular and peculiar experience that I approach this discussion this morning. Before going on at any great length, I wanted to make one or two comments about both the statement introduced on Monday or Tuesday of this past week by his worshipful Treasurer, the member for Chatham-Kent, and subsequent to that the comments made on Tuesday by the Minister of Natural Resources (Mr. Bernier).

In the comments of the hon. Treasurer there are just three or four points to which

I wanted to make a very brief comment. The first related to a comment on page two in which the Treasurer noted: "In many communities, no amount of rationalizing of local government institutions will make up for their resource deficiencies," and I use that simply as a starting point to support what my good friend from Nickel Belt, who I see has left us at the present time, was saying.

Mr. Laughren: Oh, no.

Mr. Conway: Sorry, I see he is ensconced in conversation with the honourable reverend member for Cochrane South.

Mr. B. Newman: The fine member for Cochrane South.

Mr. Conway: With the fine member for Cochrane South.

I think that that's important, because, quite obviously, for those of us who understand the problems of the isolated communities in northern Ontario, we do not come to this discussion with a lack of appreciation for the obvious and sometimes tragic reality of the problems that these communities face. I make no apologies for that. I know the government, like the opposition, takes a reasonable approach to the historic and ongoing economic difficulties and economic realities of the scattered communities across northern Ontario. I want to begin my discussion on this with a recognition of that.

Further on in his statement, the Treasurer indicates how this fund is going to operate. I wanted, again, just to underscore the point he made on page 9 of his statement where he talks about this programme and this fund being at the "discretion of the Minister of Natural Resources." I have to agree with my colleague from the New Democratic Party, the member for Nickel Belt (Mr. Laughren), when I too express the reservation of my party and myself with respect to the discretion, not only of the minister in this case but also this department.

It has been my experience—and it has been a personal one in many instances, having to reside in a county where we now have the presence of the parliamentary secretary to the Minister of Natural Resources (Mr. Yakabuski) that it is a tradition that the discretionary powers of the government at large and the former Ministry of Lands and Forests, lately called the Ministry of Natural Resources, have a political impact that sometimes I think does not operate in the public interest of the people of Ontario.

Mr. Laughren: Right on. A Tory millstone.

Mr. Conway: I hope that the situations we have seen in the past, certainly in my part of eastern Ontario, will be mitigated by less partisan concerns.

Mr. Ferrier: That discretion is used mostly in Kenora.

Hon. Mr. Rhodes: They are not very discreet in Timmins.

Mr. Conway: The points I have raised in this have been an ongoing concern, for example, in connection with some of the appointments made to the board of directors of the Algonquin Forestry Authority. I know many good solid Progressive Conservatives in Renfrew county and I would gladly recommend one or two to the Ministry of Natural Resources, but I am not happy with some of the appointments that were made there. I have said this many times before. That is the kind of discretionary concern of which I speak from a personal experience.

Mr. Breithaupt: If you have to do it, at least make the selection a good one.

Hon. Mr. Rhodes: It sounds as though you are not happy.

Mr. Kerrio: You know what the Indians say about you?

Hon. Mr. Rhodes: Are you unhappy too?

Mr. Kerrio: Always.

Mr. Deputy Chairman: Order, please.

Mr. Conway: We have had some comments from the Treasurer in his statement as to how the fund will be applied to fire protection, water provision and perhaps in a few cases to sewage or water treatment and so on. Then on page 10 he indicates perhaps a broadening of this to include support for local road boards, boards of education, community centre boards and so on. I think for me that is perhaps the most important aspect of this. In a particular case in my riding. I think again of the community of Whitney where there is a specific concern and obvious need for a broadening of some of those services that, for example, relate to education. Perhaps there should be provision of some kind of education complex that might serve the broader interests of the community, where most of the people involved are working for the Ministry of Natural Resources and where some of these needs are presently being ad-

dressed by the Ministry of Culture and Recreation.

I want to make the comment that I think and I hope that in the administration of this particular fund there will be consultation with the Ministry of Culture and Recreation. I personally am very greatly concerned about what I see as the piecemeal disbursement of small amounts to support some recreation in parts of the northern reaches of my riding, which are not going to solve any problems and which are not going to be realized because the matching payments that are required to support the installation of a much needed facility will never be arrived at. I hope and I really think there should be a close liaison between the Ministry of Natural Resources and the Ministry of Culture and Recreation in the operation of this fund to dovetail support; for example for a community like Whitney in establishing a new education complex that will serve a far broader constituency than just the education community.

I go on briefly, then, to a concern I have about some of the comments made by the Minister of Natural Resources in a two-page statement on Tuesday, November 23, 1976. In about the bottom paragraph of page 1, he said: "To ensure that we have covered all bases, I have already made contact with two unorganized community associations of northern Ontario." He then talked more specifically about the prioritization of some of these concerns. I hope there is a success here that has, unfortunately, eluded this government in some areas in the past and that that prioritization has a keen sense of the many competing concerns there will be for this very limited supply of government dollars in this case. I suppose we're caught here between two millstones, and that is, on the one hand—

Mr. Laughren: There they are, right there.

Mr. Kerrio: That's very appropriate.

[Laughter.]

Mr. Deputy Chairman: Order, please. The hon. member will continue.

Mr. Conway: We, on the one hand, in the responsible and reasonable opposition that these benches have always represented, would naturally support any amount of money for poor, forgotten northern Ontario, of that there could be no doubt. On the other hand, we must say, as the hon. member for Nickel Belt did, with his usual eloquence and impassioned commitment, that $750,000—

Hon. Mr. Rhodes: Do you fellows hold hands afterwards?

Mr. Conway: —at the most is really an insult. I can imagine in my own case the number of concerns and the number of applications that will be forthcoming. Given the discretionary role in all of this of the Minister of Natural Resources, who may or may not operate in that discretion with or without the help of the hon. member for Lambton (Mr. Henderson), I think there's going to be a difficulty here that will no doubt at times have a political construction, whereby we could have as many as 500 applicants—and I think the hon. member for Nickel Belt would perhaps agree that that would be a minimal amount—for what, $500,000 or $250,000 this year? Supposing we allowed 10, 20 or 30 of those, that reduces itself to what I think is an ineffectual pittance that couldn't begin to hope to assist the kinds of projects to which and about which the government has identified and expressed an understandable and justifiable concern in these instances.

Take for example the community I spoke of in my riding, Whitney; if it wanted to take advantage of and prosper because of this isolated communities fund then we would be looking at, to say the very least, $50,000 or $100,000 to do anything worthwhile. I can't imagine that fund being effective in the 16-month period with the limited amount of dollars that are being provided.

I know the government is going to respond by saying that the opposition is being irresponsible, on the other hand, by calling for this kind of programme, and on the other hand by lamenting the amount of dollars that their restraint orientation has previously called for. I say to the minister there is a very serious question here, because he holds out a carrot to northern Ontario, to communities that I may send to him, hopefully, through my office.

I was interested to note again in his statement the very inviting and positive invitation which concludes his statement, that is: "I would urge any unorganized community seeking help with local servicing problems to contact their nearest Ministry of Natural Resources office, or, and perhaps better, to write directly to me in Toronto."

I hope that they will, in my community, see fit to come to my office first so we can moderate, perhaps get to you on a more governmental level without having concern for local political considerations.

Mr. Laughren: No, no; you sure are non-partisan.

Mr. Conway: Of course, non-political and non-partisan as I've always been. Unlike the member for Sault Ste. Marie I've always known only one kind of party politics.

Hon. Mr. Rhodes: But you have known a lot of different policies.

Mr. Conway: But it seems to me there has to be a certain direction to this. There must be, on behalf of this government, a commitment either to a specific number of priorities or a far greater number of dollars. Because I'll tell you, the impact of this programme as it now stands is going to mean, I think, a great deal of disappointment to a great number of unorganized communities in northern Ontario, which will take the government at face value, which will say that, yes, they are trying to do something and only go to find that there are, not even dollars and cents but a few loose pennies for many of the projects that would require a great number of dollars.

Hon. Mr. Rhodes: In your riding they should go and see the member for Renfrew South (Mr. Yakabuski), he has some influence.

[12:00]

Mr. Conway: I'm glad to see the concern of the member for Kenora, who may be the symbolic indication of the lack of concern that this government has had in northern Ontario. But I'm telling the minister, if I come to him with a community like Whitney, we will probably want all the $250,000 he's got until March of 1977. I'm telling him, without insulting northern Ontario, he's either going to have to make a very specific commitment to a very limited number of projects; either that or convince the hon. Treasurer, for a variety of good and solid reasons, that a substantial number of increased dollars are going to have to be made available if the minister and his government are going to be seen to be anything more than a patch-up operation to many of these serious problems that this isolated communities fund surely must direct itself to.

With those remarks, brief and non-partisan as they have been, I would conclude by expressing, not only support in principle for the government's proposal as outlined by the two ministers, but certainly the hope that my particular constituency will be able to materially benefit therefrom.

Mr. Kerrio: This is a Mother Hubbard bill.

Hon. Mr. Rhodes: Mr. Chairman, I want to take part very briefly in the discussion of these particular estimates for two reasons. First, I am one who does represent a riding in northern Ontario; obviously my riding does not include any of the so-called isolated communities, but in very near proximity to that community we do have a number of these communities which I feel will certainly be interested in applying for this type of assistance.

My second interest, of course, is in relation to the responsibilities I have in the Ministry of Housing and how this programme is going to assist, as I think, and complement some of the things that we have been hoping to do in the smaller or unorganized communities in Ontario. There have been problems there that my ministry has been having difficulty with in terms or severances of land, provision of lots and, in particular, attempting to provide lots that could be adequately serviced where people want to build new homes and be able to live a more comfortable life in these smaller communities.

Part of the problem in some of these communities, as I see it, is that because they are unorganized and because they do not have sufficient funds to provide the basic services, it has been difficult to authorize people to upgrade their particular homes by allowing them to build on another lot, because those lots are not available.

The one thing that I am interested in, and I have discussed this with the minister as well as with the Treasurer, is the definition of an isolated community. As I understand this, the isolated communities will be those that are without municipal structure and are not in a position to be taken into a larger form of municipal government or municipal structure.

One of the things I am concerned about in particular as this applies to northern Ontario is that in those areas referred to by the member for Nickel Belt, other than say the North Bay or Sault North areas, there are just so many miles between these small municipalities that I will continue to urge that we do not form a very large region just for the purposes of establishing some sort of municipal structure.

We do have to provide basic services in these communities. The people are there. They are resource-oriented communities that have been established as a result of the jobs that are available for them. They are in need of water services, of fire protection or ambulance services. But before we get too caught up in this, we must maintain a considerable degree of flexibility within this programme;

there must be the ability for these communities to be part of the decision-making process as to what type of service they consider to be the priority. That obviously will have to be done in conjunction with the ministry. But I say to the minister here in the House, for the record, as I have said to him privately, that I do not feel that this programme can operate totally successfully if there is going to be an army of civil servants going around with programme analyses and all of the various types of things that are carried on with a view to providing these services. I think we can do it quickly by allowing flexibility in the programme and by letting the communities set their priorities and go ahead to get the services they need.

We need different types of services in the north. I've gone to many smaller communities, both unorganized and organized, where they simply cannot hope to have in the future the types of services that have become conventional in other parts of this province. I'm referring specifically to water lines and sewer lines, where you have problems of excavation and the high cost of getting these in. As these communities look at the type of servicing they need—in particular, I'm interested in water and sewer services—I think they should be allowed to find innovative ways of handling it, as referred to by the member for Nickel Belt. The types of sewage disposal units which are coming on the market have to be looked at positively as being a part of it and acceptable to the Ministry of Environment. As well, there are the new types of on-ground services available for carrying both sewage and water to and from particular units and into a municipal service without our having to dig through the massive rock you'll find in many parts of northern Ontario.

I think this is a good programme. I'm not going to say that I think it's adequate funding but we all recognize there has to be a start. I recognize, as the member for Renfrew South has indicated, that there may be a great many people coming looking for money. Obviously, when you announce a programme everyone would like to get a piece of the action.

That's the time when the member can play a real part. As he suggests, he can have them come to his office and analyse where the greatest need is, recognizing there is a limited amount of money to be applied.

There are not that many of these communities, with respect. He suggests 500 applications. There are not that many such communities in northern Ontario. We can probably handle it—there simply aren't.

Can the member for Timiskaming tell me if there are 500 such unorganized communities in northern Ontario? He knows full well there aren't and that's what I'm referring to. I regret he missed the earlier part of the debate. I am simply saying there are not 500 such communities, considerably less.

I think this is a step in the right direction to doing something for those communities. As I said at the outset, my concern is that we have services which will serve a mixed sort of development in these communities. If you talk about Sault North and the North Bay area, there are three types of residents in those areas. You have permanent residents who have their homes and own their property and live there year round. You have the cottage dwellers who use it for recreational purposes and now you have the sort in-between, the mobile home dwellers, who live in mobile home parks. These people have to be considered when you're talking about the types of services which are going to go in and the size of these parks and where they are going to be located and how you're going to service them.

I wanted to be on record as a northern member and as the Minister of Housing. I think this programme is definitely a step in the right direction and I join with the other members in saying that it's—

Mr. Laughren: You must admit it is not enough.

Hon. Mr. Rhodes: Of course, that has been the story of the New Democratic Party since the year one—there's never enough.

Mr. Laughren: That is why you have nothing left in northern Ontario as well.

Hon. Mr. Rhodes: The only thing we've got enough of in this House is New Democratic members. Too many. Another thing we have enough of is the negative approach you take to everything that comes into this Legislature.

Mr. Laughren: There is ample—

Hon. Mr. Rhodes: Just once in my time in this House I would love to hear someone in that party stand up and say, without any reservation or qualification, "That is a good programme"—

Mr. Bain: We love you, John Rhodes.

Hon. Mr. Rhodes: —"carry on. We think you are doing all right." You look for holes with the most negative attitude you've ever seen.

Mr. Laughren: No. That is positive. We are saying do something.

Hon. Mr. Rhodes: What you want to do is have everything run by a big office somewhere with King Stephen sitting at the top of it and all of you flunkies bowing down and offering up alms to his office.

Mr. Laughren: You set the example for that, not us. Yours is the party that has governed for 30 years. This is your government, not ours.

Hon. Mr. Rhodes: Somewhere along the line you are going to recognize that this side of the House is doing more in this province on behalf of the people than you would ever do if you were in power because you'd be so busy setting up your bureaucratic structures you'd break the province in six months.

Mr. Laughren: You are the ones who set them up.

Mr. Bain: Mr. Chairman, I would like to make a few comments about the isolated communities funds. I think it is appropriate and shows that we are moving in the right direction but I feel there are some areas where constructive criticism should be made.

I have a reservation even about the title. I think the title shows the bias of the government—isolated communities. They are not isolated communities. They are unorganized communities.

Hon. Mr. Bernier: Mr. Chairman, if I may interrupt, perhaps the hon. member would give us some suggestions as to what the programme could be called.

Mr. Bain: Call it the unorganized communities fund. I think that would be much more appropriate and it wouldn't be what I feel is a little condescending.

I think the name probably was drawn up by the Treasurer. I found some of his statements in the House on November 22, when he made the announcement, most offensive in regard to unorganized communities. For example, he said such things as people move out to unorganized communities to get away from paying taxes. Surely to goodness, the Minister of Natural Resources knows that is not true. I don't think the Treasurer should have made such a statement in this House and misled the people of this province in such a way.

The unorganized communities of this province are important communities and vital communities, and another statement the Treasurer made shows the government's bias. He said the unorganized communities in many instances should be incorporated into larger municipal units. What does that mean? Shove them into a regional government. I don't think this is appropriate. Many unorganized communities have a right to exist and prosper the same as any other communities do. Perhaps with the passage of time they might become improvement districts, but certainly there shouldn't be any indication from your government that the best thing to do with unorganized communities is to lump them in with some other larger regional municipality.

The unorganized communities that I have in my riding are in many cases older than some of the organized communities and they have just as much esprit de corps, just as much of a soul as any organized community. The problem has been, in unorganized communities, that the government really hasn't set up an appropriate structure. We had hoped that Bill 102 when it was introduced back in 1974 was going to accomplish this, but it seems that when you finally took it to the people of the unorganized communities you saw that it wasn't appropriate and you started to rework it. I still look forward to a substitute for Bill 102. I think it is very much needed by the unorganized communities. I think the unorganized communities have a right to exist. The member for Sault Ste. Marie (Mr. Rhodes) mentioned I wasn't here for the beginning of the debate; I notice he has now left after having spoken and he won't be here for the end and he will miss a constructive contribution.

No. 1, the title should be changed from isolated communities fund to unorganized communities fund, and No. 2, there has to be more money. You cannot conceivably say that $250,000 for the remainder of this fiscal year and $500,000 for the next fiscal year is enough money. I hope the Minister of Natural Resources will agree with us and that he will go after his colleagues in the cabinet and get more money. We certainly believe that excess spending by the government has to be trimmed, but no money that you put into the unorganized communities could ever be said to be excess spending by anyone. Thank you.

Mr. Maeck: I will be very brief; I see the clock says 12:13. However, I rise to support this particular programme. Many people in this House are probably not aware that the district of Parry Sound has 27 unorganized townships and seven or eight unorganized communities; communities such as Port Loring, Pointe au Baril, Britt, Byng Inlet and so on. These communities over the

years have had a great deal of difficulty in getting any kind of community assistance. It has been very difficult for them. Anything they have done up to this point in time has been done through community effort only, through contributions from the local people. I recall going through at least three different fire-fighting association meetings with unorganized communities trying to form their own fire-fighting associations. They had no assistance whatsoever from the provincial government. They had no way of taxation at all other than to collect money for local roads, and every dollar that was raised had to be raised locally.

Mr. Laughren: Any tiled underpasses in Parry Sound?

Mr. Maeck: No, not in the unorganized areas, unfortunately.

Mr. Conway: Surely not? That will make Darcy squirm.

Mr. Maeck: For many years these people have been complaining and rightfully so. They are paying taxes to the Ministry of Revenue in the province of Ontario and they have no say at all as to how they are spent. Certainly I would have favoured some form of local government if that had been possible. I know the bill that came before the House was not acceptable to most of these communities, and was not really acceptable to me either in its form, but some day I hope these municipalities or these communities will have a little more to say about their own destiny than what they have today. But I do think we are making a start.

[12:15]

Mr. Conway: That will make the Treasurer squirm.

Mr. Laughren: If they make you Minister of Natural Resources that will solve the problem.

Mr. Maeck: That's of course the opinion of the NDP but not necessarily the opinion of the member for Parry Sound. Thank you very much.

However, these people have had problems over the years. I think this is a start but a start only, I realize the funding is relatively small. It's $250,000 for the remainder of this year and $500,000 for next year. That's a small amount of money, but I have a little bit more faith in the government than probably the members opposite in feeling that if we need more money we should make it available to them. Certainly I'll be working towards that effort.

Mr. Kerrio: That is because we are looking at them all the time.

Mr. Conway: Do you know more than we do?

Hon. Mr. Meen: He's bound to know more than you do.

Mr. Maeck: I extend my commendations to the minister and I make a suggestion to him that if he follows through with the suggestion that the funding be done with advice from the northern Ontario community associations, I would remind him that the district of Parry Sound is not in northern Ontario. I would certainly like to have representation if he is going to go that route from the area that is affected in the Parry Sound riding.

Mr. Laughren: Tell them to join the association.

Mr. Acting Chairman: Shall vote 2301 carry?

Hon. Mr. Bernier: Mr. Chairman, if I may, just before the vote is passed, I would like to recognize, and I'm sorry the members opposite in the New Democratic Party did not recognize the efforts of their own colleague, the member for Lake Nipigon (Mr. Stokes). I just want to indicate and I want the record to show, that I've discussed this particular programme with him. As members know, he's been a great advocate of a programme to assist the unorganized and unstructured communities.

Mr. Conway: Building a new alliance.

Hon. Mr. Bernier: I just want to recognize his effort and his thrust in what he has done for his particular riding and for the people of northern Ontario.

Mr. Laughren: We will pass those remarks on to him.

Mr. Conway: Is he crossing the floor?

Votes 2301 and 2302 agreed to.

The committee of supply on motion by Hon. Mr. Meen reported certain resolutions and asked for leave to sit again.

Report agreed to.

On motion by Hon. Mr. Meen, the House adjourned at 12:20 p.m.

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Bennett, Hon. C.; Minister of Industry and Tourism (Ottawa South PC)
Bernier, Hon. L.; Minister of Natural Resources (Kenora PC)
Bounsall, E. J. (Windsor-Sandwich NDP)
Breaugh, M. (Oshawa NDP)
Breithaupt, J. R. (Kitchener L)
Burr, F. A. (Windsor-Riverside NDP)
Cassidy, M. (Ottawa Centre NDP)
Conway, S. (Renfrew North L)
Cunningham, E. (Wentworth North L)
Davis, Hon. W. G.; Premier (Brampton PC)
Deans, I. (Wentworth NDP)
Eakins, J. (Victoria-Haliburton L)
Edighoffer, H. (Perth L)
Ferrier, W. (Cochrane South NDP)
Germa, M. C. (Sudbury NDP)
Grossman, L.; Acting Chairman (St. Andrew-St. Patrick PC)
Handleman, Hon. S. B.; Minister of Consumer and Commercial Relations (Carleton PC)
Henderson, Hon. L. C.; Minister without Portfolio (Lambton PC)
Kerr, Hon. G. A.; Minister of the Environment (Burlington South PC)
Kerrio, V. (Niagara Falls L)
Laughren, F. (Nickel Belt NDP)
Lupusella, A. (Dovercourt NDP)
MacBeth, Hon. J. P.; Provincial Secretary for Justice and Solicitor General (Humber PC)
MacDonald, D. C. (York South NDP)
Maeck, L. (Parry Sound PC)
Mancini, R. (Essex South L)
McKeough, Hon. W. D.; Treasurer, Minister of Economics and Intergovernmental Affairs (Chatham-Kent PC)
McMurtry, Hon. R.; Attorney General (Eglinton PC)
Meen, Hon. A. K.; Minister of Revenue (York East PC)
Miller, Hon. F. S.; Minister of Health (Muskoka PC)
Moffatt, D. (Durham East NDP)
Newman, B. (Windsor-Walkerville L)
Newman, Hon. W.; Minister of Agriculture and Food (Durham-York PC)
Nixon, R. F. (Brant-Oxford-Norfolk L)
Parrott, Hon. H. C.; Minister of Colleges and Universities (Oxford PC)
Peterson, D. (London Centre L)
Reed, J. (Halton-Burlington L)
Renwick, J. A. (Riverdale NDP)
Rhodes, Hon. J. R.; Minister of Housing (Sault Ste. Marie PC)
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Legislature of Ontario Debates

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Third Session of the 30th Parliament

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Speaker: Honourable Russell Daniel Rowe
Clerk: Roderick Lewis, QC

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LEGISLATURE OF ONTARIO

MONDAY, NOVEMBER 29, 1976

The House met at 2 p.m.

Prayers.

Hon. Mr. Davis: Mr. Speaker, before my statements, I'd like to take this opportunity, on behalf of all members of the Legislature, to welcome, certainly in his official capacity, the relatively new Premier of the province of British Columbia. I know my colleagues in the official opposition will be delighted to pay him welcome, and say what a refreshing—

Mr. Lewis: More than we can say.

Hon. Mr. Davis: —philosophical change this is to welcome Premier Bennett to our Legislature.

Mr. Breithaupt: We may have a change here, you never know.

Hon. Mr. Davis: Premier Bennett is here to visit for a day or so. I expect to be meeting with him on many important issues in a few moments, not the least of which is how he might succeed, and I might, next year at this time, in having Vancouver and Toronto as the participants in our national final. How he pretends to solve that out west and how I will do that here in Ontario, I really don't know.

I would like to welcome the Premier of our most westerly province to this Legislature and I extend this welcome on behalf of all our members.

Mr. Lewis: Mr. Speaker, in the spirit of clear magnanimity which occurs on occasions of this kind, I too would like to welcome Premier Bennett to the Legislature, and to be the first to inform him of the coup d'état that has occurred in his absence.

Mr. Breithaupt: It's very rare, Mr. Speaker, that we see a guest in our gallery who has been so successful at amalgamation. On behalf of my Liberal colleagues who retain the label and also hopes for the future, may I also greet him and hope that his visit in Ontario is a most happy one.

Mr. Speaker: Statements by the ministry.

THUNDER BAY SKI JUMPS

Hon. Mr. Bennett: Mr. Speaker, I wish to table today in the House, in response to the question raised last week, the lease for the Thunder Bay Ski Jumps Limited.

By a lease dated September 1, 1973, registered with the land titles office in Thunder Bay, Thunder Bay Ski Jumps Limited leases approximately 85 acres from Little Norway Ski Resort Limited and from an associated company, Lakehead Land Sales Limited, the land upon which the ski jumps are situated. This land is owned by Little Norway Ski Resort Limited and Lakehead Land Sales Limited. The lease is for a period of 21 years less a day commencing September 1, 1973, and terminating August 29, 1994. In addition, the lease gives Thunder Bay Ski Jumps Limited access to an additional 160 acres leased by Little Norway Ski Resort Limited from the Ministry of Natural Resources, Ontario.

Rental is $1 per year plus a percentage of revenue derived from the operation of the ski jumps as determined by agreement between the parties. In addition, Thunder Bay Ski Jumps Limited is to pay an amount equal to the taxes on that part of the land on which the jumps are physically located. The amount of such taxes has not been determined as yet. The parties only within the last two weeks, after many years of negotiations and discussion, have reached agreement as to the amount to be paid to Little Norway Ski Resort Limited as total rent for the period of two years for the two first seasons. That will be $3,500 per year, and for the current year $5,000, making a total payment to Little Norway Ski Resort of $12,000.

During any ski jump meet or practice or training session, the personnel associated with such activities are entitled, without cost, to use all the facilities of Little Norway Ski Resort Limited.

Mr. Speaker, I table these reports.

Hon. Mr. Snow: Mr. Speaker, just before starting my statement, I think I might draw to the attention of the members of the House that we have another very distinguished guest in the gallery today, the former Minister of

Agriculture and Food and member for Middlesex North, William Stewart.

Mr. Nixon: What has happened to the price of hydro since he left the government benches?

Mr. Lewis: Pity he is not still here.

Mr. Speaker: Order, please; order.

Mr. Lewis: I never thought I would say that, but it's a pity he is not still here.

SCHOOL BUS SAFETY

Hon. Mr. Snow: Mr. Speaker, in recent months, I have informed the members of the Legislature that my ministry was carrying out an extensive examination of the transportation system used to carry children to and from school. Those studies have now been completed. As a result, I am now filing regulations setting forth measures to be put into practice as of February 1, 1977. They will primarily improve school bus transportation safety.

One of the main areas of these regulations concerns the school bus driver's driving record, as well as such operator's moral character. Thus, as of February 1, any applicant for a school bus licence will be refused should that person's driving record show more than six demerit points. Further, a licence will be withdrawn from the holder if that person's driving record shows an accumulation of at least nine demerit points.

Any applicant will be denied a licence to drive a school bus if he or she has had a licence suspension within the past year resulting from a driving offence under The Highway Traffic Act or The Criminal Code. We will also withdraw a school bus operator's licence should any bus driver be convicted of two or more motor-vehicle-related offences under The Criminal Code of Canada within the past five years.

A licence will also be denied or withdrawn should an applicant or driver have been convicted of a morals offence such as rape or indecent assault or convicted for importing or trafficking in narcotics.

Our reasoning behind these measures takes into consideration that: (a) If a driver is considered a poor risk to drive his or her family car, then that same driver is also an equally poor risk to transport children daily on a school bus. In accepting a licence, a driver must be prepared to accept full responsibility for his or her total driving behaviour, and must be able to and want to drive safely, regardless of the kind of vehicle driven; (b) In the case of the denial or withdrawal of licences because of morals-offence convictions, we owe it to the children being transported daily to see that they are safe in every sense of the word.

In addition to these stipulations, the new regulations set forth that on a one-time basis a defensive driving course or a school bus driver improvement course will be required before a licence is granted to operate a school bus. As a further safety step it will be necessary that an improved type of first-aid kit be carried on every school bus. This kit will be the kit prescribed by the Canadian Standards Association for school buses.

Mr. Speaker, I trust you will agree that these regulations will help increase the safety and efficiency of what is already an excellent school bus operating system. I feel the school bus qualification programme should have no effect upon the drivers who have maintained a good driving record or those who have no morals-offence conviction. The end result, I am convinced, will be to encourage our present highly competent Ontario school bus drivers of good character to continue to drive safely because they want to drive safely.

Mr. Speaker: Oral questions.

POLLUTION CONTROL ORDERS

Mr. Lewis: I have a question initially, Mr. Speaker, for the Minister of the Environment. Against how many individual companies and pulp and paper mills has the minister placed control orders, ministerial orders, from his ministry, consequent upon the emergence of his reports on pollution abatement?

Hon. Mr. Kerr: The placing of control orders is something that is going on continuously. As one control order matures—as the deadline, the final date, approaches—then the new control order is negotiated with the company.

At the present time there are eight control orders on eight different plants. There are five companies that have met our emission standards, our effluent quality standards. They are over and above the eight, so they did not have control orders because they have in fact satisfied my ministry as to the quality of effluent being deposited in the receiving waters.

There are 12 at the present time that are being negotiated, are in the state of expiring, or are in arrears and new dates are being negotiated so that our quality and our stand-

ards can be met in times that the companies say they can in fact meet.

Mr. Lewis: Over and above the eight and the five?

Hon. Mr. Kerr: Yes.

Mr. Lewis: Supplementary question then: Is it not a matter of some concern to the minister—perhaps even embarrassment—that of the 20 control orders which he was required to place against a number of companies, one of the two companies in Ontario which necessitated the laying of a charge for non-compliance is the Reed Paper company? Does it not cause the minister some concern that that is the same company with which the government is now negotiating this memorandum of understanding for such a vast tract of land in northwestern Ontario and another mill, given the extraordinary record it has of environmental pollution in that part of the province?

Hon. Mr. Kerr: For one thing, the mill at Dryden is a very old mill; it's over 60 years old. There has been a series of control orders against that particular mill. The company has spent a substantial amount of money since 1965 in attempting to treat its emissions. As the hon. member knows, just recently it completely changed its manufacturing process to get rid of mercury. That was an expense to the company.

I'm not trying to make any excuses for the company. The reason we've taken action and laid charges under The Environmental Protection Act is because the company is substantially in arrears in respect to its existing control order. I don't think the history of the Dryden plant really should in any way affect our negotiations in respect to other development in northwestern Ontario.

Mr. Lewis: Really?

[2:15]

Hon. Mr. Kerr: I think the important thing here is that maybe the government's credibility has been enhanced by the fact that we are not lumping these two projects together. If the company is not adhering to our rules and regulations in one part of this province in respect to one of its operations, we will take action. The same goes as far as the environmental assessment procedure is concerned; if that company doesn't comply with that, if we don't get a proper impact study, then the development in northwestern Ontario will not go ahead. We are the referees, we are the monitors. We will make sure that the company—

Mr. Deans: You are also the apologists.

Hon. Mr. Kerr: —regardless of what it does or where it is, will adhere to our rules and regulations.

Interjection.

Mr. Speaker: Order, please.

Mr. Nixon: I would like to ask the minister, Mr. Speaker, would it be true to say that most of those control orders to which he referred in his original answer were placed on these paper companies in his original tenure as the minister responsible for this particular responsibility? Would it further be fair to say that hardly any of the old mills, if in fact any, have come up to the standards where the orders are being fully complied with?

Hon. Mr. Kerr: Mr. Speaker, certainly there were a number of control orders renegotiated between 1972 and 1975. As hon. members will recall, about a year ago most of the plants were on strike, they were closed down. Shortly after being appointed to the ministry, a little over a year ago—

Mr. Nixon: They had a fairly clean period of time when they weren't operating, is that right?

Hon. Mr. Kerr: —I asked my ministry to give information on the state of the pulp and paper industry in Ontario. At that time, as a result of questions from the hon. member from Thunder Bay, we did some analysis in areas where plants were shut down for a period of time and we were able to indicate what improvement there had been in the quality of water. After the plants were back in operation we were again able to analyse and test, and we found the deterioration had cropped up again; there hadn't been any improvement. It was last spring that we planned the three prosecutions that in the last month or so have in fact been laid against the three companies.

Also during that period of time, since May of this year, new control orders were negotiated with companies that as I say either didn't have it or were behind schedule in respect to abatement equipment and in respect to treatment. I expect there could very well be further prosecutions in other parts of the province in a very short period of time.

That is the programme that has in fact gone on in the past 12 or 14 months. I am

determined that the pulp and paper industry, in view of the report in Wawa which the hon. member talked about, which indicates that in fact they can economically adhere to our control orders—

Mr. Lewis: Precisely.

Hon. Mr. Kerr: —that is what we intend to have them do.

Mr. Angus: Supplementary: Could the minister advise the House how often between 1970 and 1975 the figures were updated in order to make the ministry aware of the changes?

Hon. Mr. Kerr: Is that updated in respect of individual mills?

Mr. Angus: That is correct.

Hon. Mr. Kerr: Again, Mr. Speaker, I don't have that information before me but certainly regional offices, and I think the hon. member has that information, are continuously monitoring the effluent from the various mills within their regions. That is necessary, in the event there is a control order in effect, to enable us to monitor the control order, to make sure the companies are in compliance with schedule dates that are part of a control order over a four- or a five-year period. I can't give the member the exact information as to the actual timing of the monitoring.

POLLUTION OF LAKE SUPERIOR

Mr. Lewis: A related question, if I could: Has American Can at Marathon been pumping mercury into Lake Superior—and I wasn't really, I must admit, familiar with it—for many years now? How has that been allowed to continue, given the experience of the English-Wabigoon river system? Was there no way of stepping in and preventing this, given the nature of Lake Superior as one of the last remaining lakes which isn't significantly contaminated?

Hon. Mr. Kerr: Mr. Speaker, when we discovered the source of mercury contamination, five years or so ago, each chloralkali plant, and each plant associated with the mercury process, was required to eliminate mercury emission. American Can was one of those companies.

Unlike other companies, it only halved the amount that was going into the receiving water. There is no question the company reduced the amount it was losing in 1971 and 1972, but still in 1975 and 1976 it was losing too much. It hadn't done as well as other companies which have a minimal loss that is not of concern to us—such as Dryden, which has eliminated it altogether. American Can did improve its loss of mercury, but not enough, and because of the concern that that in fact was the last plant that was a mercury problem, we took action against it.

REED PAPER

Mr. Lewis: A question to the Minister of Natural Resources: When the minister was negotiating the memorandum of understanding with the Reed Paper company, did he know the Ministry of the Environment was about to lay 10 separate charges against that company for violations under The Environmental Protection Act? Did he know the Reed Paper company has the single worst experience record of dumping organic matter into the Wabigoon system from 1970 to 1975—the single worst increase of any one of the 31 pulp and paper mills in Ontario—and did that not give him some pause?

Hon. Mr. Bernier: Certainly, as the local member who represents that great part of Ontario I am very familiar with the Dryden paper operation. One would have to be totally blind not to be able to see as one passed by that particular plant and other paper companies in the province of Ontario that there was a problem.

I was very much aware that a ministerial order had been placed on that particular plant. I was not aware that charges were pending against the Reed Paper company.

Mr. Lewis: As a cabinet minister, did the minister know that the depletion of oxygen in the system, the dumping of the organic matters on Reed's part, was the worst record of increase from 1970 to 1975 for Ontario, or had that not been drawn to his attention?

Hon. Mr. Bernier: Specifically it had not.

FOREST MANAGEMENT POLICIES

Mr. Lewis: May I ask a question of the Premier, Mr. Speaker? Given what is emerging about the forest resources generally, does the Premier not think it would be wise to bring our forest management practices up to par, our regeneration policies up to need and our pulp and paper environmental pollution under control before we contemplate any further alienation of 19,000 square miles of

northwestern Ontario? Is that too much to ask?

Hon. Mr. Davis: I would have thought the Leader of the Opposition would have had a greater degree of understanding of our discussions in the past month or so because I recall them very clearly. He may not recall what he has said but I recall what I have said and he usually listens and tries to understand.

I have made it abundantly clear that the proposed development in northwestern Ontario will be a subject for the environmental review or assessment board. It will meet the environmental requirements of the Ministry of the Environment, which requirements, incidentally—and I say this with great respect to my colleague, the premier of British Columbia who is with us today—which requirements are probably the toughest anywhere in Canada. This government has, in this industry as well as other industries, introduced policies and control mechanisms which I suggest are once again superior to those of most other jurisdictions where in fact a number of the industries have met these control orders—not all of them—and where they have not, we have not hesitated to prosecute.

I would just hope the Leader of the Opposition, who in one moment says we aren't doing enough to create jobs, understands that part of our responsibility in this House is to continue to stimulate economic growth in this province, including northwestern Ontario. We will discharge our responsibilities, creating a new mill in the northwest. It is a little different problem—it may come as a shock to him—to solve the problem of a plant that has been existing some 60 years. I am not going to defend Reed, Abitibi or anyone else, but neither am I going to stand in the way—

Mr. Lewis: It is not their fault. It is the government's fault.

Mr. Speaker: Order.

Hon. Mr. Davis: —of something that makes sense, that is reasonable, that meets the public interest. I would say to the Leader of the Opposition, no, we cannot stop the world and say, "Let's all get off for a two-, three- or five-year period of time," because there are thousands of people in this province who need jobs and I happen to be going to do my best to see that they get them.

Mr. Mancini: When is the election?

Hon. Mr. Davis: Why don't you ask your colleague right over there who supports it entirely? Don't you, Jack?

Mr. Lewis: At any cost, at any cost; yes.

Hon. Mr. Davis: No, I didn't say that.

Mr. Speaker: Does the Leader of the Opposition have further questions?

Mr. Lewis: You will go through the environmental hearings, I don't dispute that. It is the way you talk about economic growth and jobs.

Hon. Mr. Davis: On a point of order: I am prepared to give and take in this Legislature and we have a bit of fun, but at no time did I say "at any cost." I said specifically it will be done if it satisfies the public interest, and that includes environmental concern. The Leader of the Opposition knows darn well I have said this a number of times. It is totally irresponsible of him, misleading to the House and to the public, to create any other impression.

Mr. Ferrier: Why not answer the question for a change?

Mr. Singer: That is not a point of order.

Mr. Breithaupt: That is no point of order.

Mr. Speaker: Order, please.

Mr. Lewis: That is because the Premier and his government are being harassed about this all over the province; people know what is happening in forest management in Ontario.

Mr. Speaker: Order, please. This is not the time for a debate. We have had 15 minutes of the question period. Is there another question from the Leader of the Opposition?

Mr. Lewis: No.

Interjections.

Mr. Breithaupt: I hate to intrude in this discussion across the floor.

Mr. Nixon: Did the Speaker ever decide whether that was a point of order or not? You normally let us know when you think they are points of order.

OHTB BUS LICENCE

Mr. Breithaupt: A question of the Minister of Transportation and Communications with respect to the Greyhound-Gray Coach matter: Does the minister recall receiving a letter from his colleague the Treasurer (Mr. McKeough), dated March 15, with respect to the operation of Chatham Coach Lines in which

the Treasurer said: "Apparently the board ruling states that the board has considered the principle of free enterprise with a test of public convenience, etcetera. The reference to free enterprise has bothered a number of the present bus line owners, and I can appreciate their view; bus services have always been controlled to maximize benefits to the public." Does the minister recall receiving that letter?

Hon. Mr. Snow: Yes, Mr. Speaker.

Mr. Breithaupt: Was the Treasurer wrong in his point of view, or has there in fact been a change of policy from the public need and necessity that has gone on in the past, as the Treasurer has suggested?

Hon. Mr. Snow: No, I don't think there is any change of policy, or I don't think the events relating to the Greyhound-Gray Coach Lines application are in any way in conflict with what the Treasurer has stated. If I may, I'd like to put on the record the views of a number of organizations that have, over the weekend, taken the trouble to send me telegrams to give me their views on the particular application.

Mr. Breithaupt: We can revert to statements if the minister wishes, I suppose.

Mr. Speaker: Is this a lengthy statement?

Hon. Mr. Snow: It may take a moment, Mr. Speaker.

Mr. Singer: Why doesn't he table the document?

Mr. Speaker: We will have to judge whether it is a ministerial statement or not. Is it two or three minutes long?

Hon. Mr. Snow: It may be more than that.

Mr. Speaker: We will have to have the permission of the House to revert to statements then. Do we have permission?

Some hon. members: No.

Mr. Speaker: Apparently not.

Hon. Mr. Davis: Members don't want to hear the facts.

Mr. Nixon: Table the document from Eddie Goodman and the one from John Robarts.

Mr. Speaker: Order, please. Is there a further question?

Mr. Breithaupt: Yes, if the minister wishes to respond, using up further time in the question period, please go ahead. We would like the information.

Hon. Mr. Snow: I will try to be as brief as I can.

This is a telegram I received:

"We, the members of local 1415 of the Amalgamated Transit Union of Windsor, strongly support the Ontario Highway Transport Board." Signed Louis Welch, president. That is not the complete telegram but it is the main content.

Hon. Mr. Davis: Members know where that is from.

Hon. Mr. Snow: "We the members of the Amalgamated Transit Union, local 1374, Sudbury, Ontario, support wholeheartedly the decision of the Highway Transport Board in the granting of a certificate to Greyhound Lines of Canada, which will improve service to the people of the north and result in added employment." Signed E. L. Gleason, chairman, local 1374.

Mr. Sweeney: Do you have one there from the riders? How about the people who ride the bus?

Mr. Singer: Do you have one there from your riding president?

[2:30]

Hon. Mr. Snow: "Dear Mr. Minister. The town of Kenora's position with respect to Greyhound Canada application for doubling the passenger bus service on Trans-Canada Highway remains unchanged. Kenora supports decision of Highway Transport Board by giving approval to Greyhound application."

"By resolution dated March 22, 1976, the Sault Ste. Marie and District Chamber of Commerce supports the application by Greyhound Bus Lines of Canada Limited to improve carrier service from Sudbury to Toronto, which would be of great benefit to the citizens of Sault Ste. Marie area—"

Mr. Sweeney: Government by telegram—it's a great change.

Hon. Mr. Snow: "We understand that the licence for this additional service is presently being challenged and we take exception to any disruption in regard to this proposed service. J. B. Chambers, president."

Hon. Mr. Davis: You people have written off the Sault, haven't you?

Hon. Mr. Snow: "The council of the town of Dryden strenuously opposes the appeal of Toronto Transit-Gray Coach Lines to award made by Ontario Highway Transport Board to Greyhound Lines of Canada to operate regular bus service from Sudbury to Toronto in conjunction with Greyhound's existing routes from Sudbury west along Highway 17 to western Canada. The towns and communities in northwestern Ontario are remotely distant to the large urban centres and the additional bus service frequency is urgently required where transportation plays a major role in communication and the amenities of life. George Rowat, mayor of the town of Dryden."

Some hon. members: Great fellow—a Liberal too.

Hon. Mr. Snow: This one, I think, deserves reading into the record: "The entire membership of the Amalgamated Transit Union local 1374 in Ontario strongly supports the Ontario Highway Transport Board's decision granting licence to Greyhound Lines for additional service through Toronto. This will result in added additional service and added employment on all routes of Greyhound Lines across Ontario. S. R. Snowdon, Canadian international vice-president, Amalgamated Transit Union."

Mr. Singer: Is that your brother?

Mr. Speaker: Would it be possible for the hon. minister to summarize the balance of the telegrams?

Hon. Mr. Davis: Oh, they make such good reading.

Mr. Speaker: They're somewhat repetitive.

Hon. Mr. Davis: We just want you to know there's another side to some of these stories.

Interjections.

Mr. Speaker: Order, please.

Hon. Mr. Snow: This one is from councillor Ragner Larzo of the town of Nipigon—

Hon. Mr. Davis: Ah Jack, be careful; that's in your riding.

Hon. Mr. Snow: —and is very strongly in support of the Highway Transport Board's decision.

Hon. Mr. Davis: Jack is very strongly in support of this.

Hon. Mr. Snow: I have another telegram: "The recent wise decision of the Ontario Transport Board to extend the licence of Greyhound and extending their service on Highway 17 is beneficial to all the residents of northwestern Ontario . . ." I won't read the rest of it.

Mr. Singer: Oh, come on.

Mr. Sweeney: Some days are better than this.

Hon. Mr. Snow: That is signed by Mr. Walter M. Assef, mayor of the city of Thunder Bay.

"The membership of the Thunder Bay, Ontario, sub-local of the Amalgamated Transit Union, local 1374, unanimously supports the decision of the Highway Transport Board."

Hon. Mr. Davis: Where's Mike Cassidy today? He should hear all this.

Hon. Mr. Snow: Another rather lengthy one from Mr. R. L. Borden, president of Greyhound Lines, which states that the decision of the board will mean 130 new jobs in Ontario and an investment—

Mr. Singer: He is in favour of the decision, is he? He was the applicant.

Mr. Speaker: Order, please. We're wasting time.

Mr. Singer: Order? At this point you have the nerve to ask for order? Is he in order? Is that in order, Mr. Speaker?

Mr. Speaker: Order, please!

Hon. Mr. Snow: I believe it also says it will mean some $11 million in new investment.

I would add that those are all of the telegrams that I have received. There have been no telegrams or correspondence that I have received in opposition to the decision.

Mr. Breithaupt: Following the letter that the minister received on March 16 from the Ontario Motor Coach Association, did the minister meet with the members for that association to assure them that apparently there was no change in the policy, as—I quote from that letter to the minister—"recent decisions of the OHTB applications presently before it, as well as rumours and gossip with which the industry is rife, appear to provide some foundation for the above feeling"—that is, the matter of the fundamental policy change?

Hon. Mr. Snow: Yes, I received that letter. My deputy minister and I met with the executive of the Ontario Motor Coach Association

following that letter, and had a very good meeting.

I must say again, as I said several times last week, there has been no change in policy as far as dealing with applications by the Ontario Highway Transport Board is concerned. The difference, I believe, if there is a difference, is the fact that motor-coach operators or the bus companies, however we wish to refer to them, have made application to the board to overrun routes of other bus companies. I think if one goes back over the years, there have not been very many applications made by one operator for running rights over a route served by another operator. I think the business has been growing tremendously in this past number of years. There is a demand by the public for better service and, consequently, the more aggressive operators have been applying for additional routes.

Mr. Breithaupt: They are overrunning those routes the way the Russian army overran Berlin.

Mr. Speaker: Order, please.

Mr. Haggerty: Is the minister aware, Mr. Speaker, of the adverse effect this will have on the bus operations of Gray Coach from Buffalo to Toronto, which has about five runs a day leaving Fort Erie, and that there is a possibility of a loss of employment in this particular area through the decision of the Transport Board to allow Greyhound Bus Lines to travel from Buffalo to Toronto, perhaps giving them more leeway than usual, when there is already a reciprocal agreement between Greyhound and Gray Coach here in Ontario?

Hon. Mr. Snow: There's nothing to lead me to believe there will be any loss of employment as far as Gray Coach Lines is concerned. The chairman of the Highway Transport Board states, in his written decision, that the passengers carried by Gray Coach Lines on the route in question amount to only four per cent of the overall volume of passengers on its system. As I stated the other day, if the Highway Transport Board were to base its decisions solely on the criterion of not allowing competition in the bus business, there would really be little or no reason to have the Highway Transport Board consider applications.

Mr. Breithaupt: A further question, really dealing with the same matter, with respect to the comments the minister made on Friday stating that the process in his ministry on the presentation of an operating certificate would be to issue an operating licence: Can the minister advise whether that licence has been issued and whether Greyhound is already in operation within the province?

Hon. Mr. Snow: The licence has not been issued yet. I asked my staff to withhold issuing the licence until I had an opportunity to read the decision handed down by the board. In the past few days, I have had an opportunity to do that and to consider fully the written decision of the chairman. As far as I'm concerned, I have no further reason to withhold the issuance of that licence so it will probably be issued within the next day or two.

Mr. Breithaupt: Is Greyhound in operation now?

Hon. Mr. Snow: Greyhound has been in operation for a great number of years, I believe.

Mr. Breithaupt: In this circumstance?

Hon. Mr. Snow: No, of course they're not in operation on these routes. They have not been issued the licence.

Mr. Breithaupt: Thank you for the answer.

Mr. Cunningham: What is the process by which the minister communicates government policy to the Highway Transport Board?

Mr. Speaker: Order, please. The question had to do with the date of issue of the licence, not the overall policy. Are there further questions?

Mr. Breithaupt: Has the Premier responded to the telegram sent to him by Gray Coach concerning this particular decision? Will he share the content of his reply with the House?

Hon. Mr. Davis: I don't think I have replied to Gray Coach as a result of the telegram. As I recall the telegram I think it suggested the company would like to have a meeting. I will be suggesting to the company that I think it would be unwise to have a meeting if, by chance, it has launched an appeal—and it may have already; I haven't checked today. As the hon. member would know better than some and better than I because he's been in the courts more recently than I have, it would be sort of like a judge listening to one of the litigants prior to an appeal. Whatever communcation I make to Gray Coach, the TTC, Mr. Mallette and others, I think it will have to be on the basis

that I'm always prepared to meet with anybody on occasion if possible.

Mr. Peterson: That is what I like about you.

Hon. Mr. Davis: But in this particular instance, I think such a meeting would not be wise.

OHIP COVERAGE OF OPTOMETRY SERVICES

Mr. Breithaupt: A question of the Minister of Health: Is the minister aware of concerns expressed by optometrists that they are unable to bill OHIP for contact-lens therapy, a procedure which ophthalmologists can and do bill OHIP for, and does he have any plans to rectify this situation?

Hon. F. S. Miller: We have a number of professions who by training are able to do things we currently pay for if they are done by physicians. Optometrists fit in that category. I believe they have made significant gains since I became minister since they are now paid the same rate for refractions as ophthalmologists are. They may do them as often as ophthalmologists do, rather than once a year, as they did when I started. The question of contact-lens fitting is another one of those areas where both are qualified to do it.

I'm certainly willing to consider this and I believe my staff within the last two days have been talking about it with the optometrists. I assume I'll be getting advice from them, and their recommendations, shortly.

UNIVERSITY ENROLMENT DATA

Hon. Mr. Parrott: On November 9 the member for Peterborough asked me a question concerning the use of certain statistical data relating to university enrolments. The Leader of the Opposition also asked a supplementary question.

I have agreed to write to the hon. members with full details. However, I would like to assure them at this time that civil servants who handle the raw data are required to take an oath of office and, therefore, secrecy. Moreover, when the statistical tabulations are prepared, a rounding procedure is used so that it is impossible to identify individual persons. In July of this year, a letter was sent to all university presidents by my assistant deputy minister which gave them an opportunity of objecting to the procedures to be used in connection with the data. No objection has been voiced to this date.

I trust the written details I am making available to the hon. members will alleviate their concerns. I shall be happy to supply any further information they may require.

DEATHS OF MINISTRY WARDS

Ms. Sandeman: I have a question for the Provincial Secretary for Social Development. When the minister was making her visit to training schools during the summer, did the staff of the Ministry of Correctional Services and of the training schools make her aware of the fact that nine children had died in training schools during the previous year?

Hon. Mrs. Birch: No, they did not.

Ms. Sandeman: Supplementary: Would the minister then perhaps take it upon herself to report to the House on the causes of death of those children, whether or not inquests were called in each case, the training schools at which the deaths took place and the relationship, if any, between those nine deaths this last year and the 10 deaths that took place in training schools in the previous year?

Hon. Mrs. Birch: I would most respectfully suggest that the hon. member direct those questions to the Minister of Correctional Services (Mr. J. R. Smith).

TOWNSEND SITE

Mr. Nixon: I would like to put a question to the Minister of Housing, having to do with the timing of the new city in Townsend. Since the Steel Company of Canada has decided to further postpone its development in the Nanticoke area, is he giving any further consideration to the resolution from the Haldimand-Norfolk regional council asking for a new timetable and a new schedule for the undertaking of the housing sites in the Townsend area?

Hon. Mr. Rhodes: I indicated at the time I received the telegram followed by a letter from the regional council that I was prepared to meet with them and I would certainly do so. I have not heard anything further from them other than what I've read in the press as they congratulated themselves on a good move, making it appear they weren't really

aware of what was going to happen at Nanticoke.

I'm waiting until they contact me and I have a feeling the regional council members have thought it wise to wait until after December 6, at which time they will contact me, and I'm sure we will have a meeting.

[2:45]

Mr. Nixon: Supplementary: Since the Minister of Housing might feel it wise to wait until after May 18, 1977, or some such date, wouldn't he think that since their resolution was quite specific in asking for a postponement, that he should do something more than just have what we might call a facetious reaction in the House? There is a specific request backed up by the action of the Steel Company of Canada. Now that the minister has a report—for which his ministry paid good taxpayers' dollars—calling for a postponement, why doesn't he come down with a new timetable?

Hon. Mr. Rhodes: Mr. Speaker, I regret the hon. member feels I was being facetious. Perhaps I was and I apologize for that. I do think the meeting I had planned to hold with the regional council was to discuss all the aspects of their request for a postponement or a delay or a study of the timing of the whole project.

Certainly the notification I received from the regional council was prior to the announcement by the Steel Company of Canada that there would be a further delay. All these factors are being looked at now by people who are on the team working in the area. We are having staff contacts with the region and without sounding facetious, I do think they will meet with me after December 6.

Mr. Nixon: Not after May 17.

Mr. Makarchuk: A supplementary to the same minister: Is the minister aware that a postponement of the development of the Townsend site would mean the cost of housing would jump by something like $10,000 per unit?

Hon. Mr. Rhodes: No, I don't think I could say I'm aware that that is the sort of jump it would take. I'd be interested in seeing the hon. member's figures if he has them.

Mr. Nixon: Nobody in his right mind could be aware of it.

Hon. Mr. Rhodes: We are going to meet with the people in the area who are specifically concerned. The regional council has indicated it wants to discuss this matter with us and, as a result of the announcement by Stelco, I think we must discuss it with them after, I suggest, December 6 and before May 17 or 18.

Mr. Nixon: There are 10,000 serviced lots sitting down there.

SUICIDES IN PSYCHIATRIC HOSPITALS

Mr. Godfrey: A question to the Minister of Health, Mr. Speaker: In view of public concern in the Durham region about a series of recent events, will the minister be prepared to investigate and present a report on the abnormally high number of suicides at the Whitby Psychiatric Hospital?

Hon. F. S. Miller: Mr. Speaker, I took the time today, assuming somebody might want to ask that question, to review the statistics for suicides in Ontario and suicides within the psychiatric institutions in general.

Mr. Mancini: Nice of you.

Hon. F. S. Miller: It is interesting that for some reason Whitby has had a higher number of suicides in the year 1976 to date than it has had, I think, in any previous year in its history.

The total number of suicides, though, within the institutions of the province has not varied significantly when compared with those outside. There has been a gradual increase both in and outside institutions. I would say there is more variation among institutions than there is in the total.

We are, of course, looking into the reasons as to why that particular one should have changed its relative position. The year before the psychiatric hospital with the greatest number was Queen Street in Toronto. It had 14. It dropped from 14 to four in this present year. We've had a dramatic decrease in one.

Interestingly enough—and I haven't as yet found out if there's an assignable cause—the administrator of Whitby has just moved to Queen Street. I'm looking into that. He was at both institutions at the low period of their reactions. While we're looking for an assignable cause, the total figures don't appear to be out of line in context.

Mr. Godfrey: A supplementary: I am not accepting those figures because they do not refer to a community psychiatric hospital but rather to hospitals as a whole. In my initial question I asked if he'd be prepared to present a report on recent events. Does he

have figures on the number of fires which have been set at psychiatric institutions, that being one of the recent events I referred to?

Hon. F. S. Miller: No, I don't. I can easily get the member almost any statistic he wishes. I just happened to have the ones on suicides within these institutions; my figures are not simply for the psychiatric hospitals but for all suicides in the province.

Mr. Godfrey: General hospitals are included in those figures—

Hon. F. S. Miller: All suicides.

Mr. Godfrey: —the minister has not segregated community psychiatric hospitals.

Mr. Speaker: Order, please. We'll have a final supplementary.

Mr. Dukszta: I wasn't quite clear whether the minister gave the specific number of suicides occurring in Whitby. My information suggests there were 10 this year in comparison with two last year. Could he comment on, one, whether the figures are correct, and two, if they are correct, is he prepared to set up a commission to investigate it?

Hon. F. S. Miller: Yes, the figures are correct—two last year, 10 this year. It is just as true that there were 14 in Queen Street last year and four this year. What I'm trying to say is that there is more variation between institutions in successive years than in the sum total within institutions.

Sure I'll look into it. Obviously if we're having an increase in any one, we would like to know whether there is an assignable cause —lack of supervision, change in treatment methods, greater freedom for patients, whatever it may be. We were looking for it even before the questions were asked.

Mr. Lewis: The civil service gives you the phrase "assignable cause," you use it yourself.

Mr. Speaker: Order, please.

HYDRO NIAGARA ESCARPMENT LEASE

Mr. McKessock: Mr. Speaker, a question of the Minister of Energy: In view of the recent announcement that Ontario Hydro has leased 1,000 acres of land to Georgian Peaks Resorts in the Thornbury area, is Hydro still interested in this land for what it originally bought it for—a pump storage generating station—and if so when?

Hon. Mr. Timbrell: Mr. Speaker, I gave a commitment on Thursday to the member for Scarborough West to come back with further information. I have some information but it is incomplete at this point so perhaps I can answer the total question in more detail in a couple of days. But Hydro has no plans at this point to develop that site for a pump storage station.

Mr. McKessock: A supplementary question: In view of the fact the announcement also said there would be a marina and a golf course developed there, and in view of the fact that Georgian Peaks doesn't own any waterfront property, is Hydro going to allow this property to be developed?

Hon. Mr. Timbrell: Again, that's a question of detail which I would like to cover in a couple of days' time when I have all the information assembled.

MIAMI-CAREY WORKERS

Mr. Philip: A question of the Minister of Labour, Mr. Speaker: Subsequent to my question of November 18 and subsequent to the resolution sent to the minister by the board of control of the borough of Etobicoke, what action, if any, has the minister taken to persuade Miami-Carey to make first-refusal job offers at the new plant in Barrie to the Rexdale plant workers?

Hon. B. Stephenson: On three occasions last week I attempted to provide the answer to the hon. member's question but there was not sufficient time at the end of question period apparently.

We have been discussing this with representatives of Miami-Carey. We have obtained from them the factual reason for their move to Barrie which is that they will be amalgamating their plant and will be able to function more economically with one establishment than they could with three divided establishments in Etobicoke. They feel they will be able to pass on the improvement to the consumer and probably to the employees.

We have, as well, signed a memorandum of manpower adjustment with the federal government and with that company as of a few days ago and the employers are functioning actively in that adjustment committee with the hope of persuading some of the employees to move to Barrie, although I gather that not all of them will. The employment adjustment service of my ministry is actively involved in this.

Mr. Philip: A supplementary: I wonder if the minister can tell us whether or not the employees to whom they will be offering jobs will be only the non-unionized office workers or whether those involved in the UEW will also be offered positions? I wonder if she would care to comment on her statement last week that she is examining the possibility of amending The Labour Relations Act to allow for successor rights in cases like this where a plant is literally transferred from one location to another within Ontario?

Hon. B. Stephenson: As I said two weeks ago, as a matter of fact, in the midst of our estimates, we are examining The Labour Relations Act and looking specifically at this item. I have no proposal to bring in at this time but it's certainly one of the subjects being looked at very carefully within The Labour Relations Act.

It is my understanding that the manpower adjustment incentive situation applies to all the employees within the plant, not just to the office workers. Indeed, the company is interested in having some of those workers transfer to Barrie.

SENIOR CITIZENS' RENT INCREASE

Mr. B. Newman: Mr. Speaker, I have a question of the Minister of Housing. Does the minister not agree that the 28 per cent increase effective January 1, 1977, in the cost of the food portion of the rental rate of the senior citizens living at 415 University Avenue East in Windsor, the residence quite often referred to as "the hostel," is unwarranted in light of the fact that the cost-of-food index has not increased over the past year?

While I am on my feet may I add a supplementary so that the minister can reply to both? Does the minister not agree that an increase of $27, from $96 per month to $123 per month, is substantially greater than the guidelines set down by the AIB and the rent review board, and would not a phasing-in of any increase be a fairer way of implementing increases if any are absolutely necessary?

Hon. Mr. Rhodes: I am afraid the hon. member has me at a distinct disadvantage. I wasn't aware this particular increase was going into effect. I would be pleased to receive the details from him and I will inquire into what is happening. I hadn't heard about it until the hon. member mentioned it at this moment.

Mr. Speaker: The oral question period has expired.

Petitions.

Presenting reports.

Motions.

MOTION

Hon. Mr. Welch moved that the following substitutions be made on committees of the House: Mr. McCague for Mr. Evans on the resources development committee; Mr. Grossman for Mr. Kennedy on the administration of justice committee; Mr. Kennedy for Mr. Grossman on the social development committee; Mr. Shore for Mr. McNeil on the public accounts committee, and Mr. Jones for Mr. Norton on the highway safety committee.

Motion agreed to.

Mr. Speaker: Introduction of bills.

FARM PRODUCTS GRADES AND SALES AMENDMENT ACT

Mr. Grossman moved first reading of Bill 175, An Act to amend The Farm Products Grades and Sales Act.

Motion agreed to.

Mr. Grossman: The purpose of this bill would be to increase the maximum fine a court may levy against those persons selling, for example, decayed food, to $1,000 for a first offence, and in the case of a corporation raising the maximum from $100 for the first offence to $10,000.

Mr. Speaker: Orders of the day.

BUDGET DEBATE
(continued)

Resumption of the adjourned debate on the amendment to the motion that this House approves in general the budgetary policy of the government.

Hon. Mr. Kerr: The Leader of the Opposition should be here all day. I am going to my estimates.

Mr. Lewis: Let the Minister of the Environment go to his estimates and I will deal with him in the House.

I want to thank my colleague from Welland-Thorold (Mr. Swart) for having been kind enough to relinquish his remarks midway, as it were, to allow me to enter the

debate at this moment since later might not be either convenient or appropriate. I would also like to thank the House leader for his willingness to assist in making that accommodation, and the House leader of the Liberal Party as well. I do appreciate it.

One of the reasons was that I wanted the opportunity to make some remarks now in the budget debate on behalf of my party well in advance of the vote on Thursday—this Thursday next, I believe? No?

Hon. Mr. Welch: It has not been decided yet.

Mr. Breithaupt: Soon.

Mr. Lewis: I am sorry. I wanted to make them well in advance of the vote that is soon coming. I am pleased to hear it may not be as soon as Thursday. I would like to move a subamendment to our amendment—what do you think of that?—which is carefully cleared in advance and different in content in order to demonstrate to the Legislature some changes in perspectives and comments which we have on the events of the last several months.

[3:00]

Put very simply, if I may, since the original introduction of the budget a number of issues appear to us to have arisen and remain unresolved. A number of issues about which we felt strongly—like farm land, I say to the Minister of Agriculture and Food (Mr. W. Newman), with which I will deal momentarily—have maintained themselves at a level without resolution.

I would like, on behalf of my caucus colleagues and party, to put today, briefly, four of those issues; and to highlight them by way of a further subamendment to the budget motion so that when the vote comes it will be seen essentially for the non-confidence motion which it is.

The four areas which I want to make reference to are: One, rent control and rent administration; two, the protection of agricultural land in Ontario; three, the intended Reed Paper transaction; and four, the question of the creation of jobs in the province of Ontario, particularly as it flows from the mini-budget or the mini-financial statement, or balance sheet or however it is described, which the Treasurer (Mr. McKeough) tabled last week. I shall not waste time.

First, rent control and rent administration: The New Democratic Party remains in spirited opposition to the government on two fundamental grounds around the question of rents. First, the refusal of the government to give a guarantee, in advance, of the nature of the extension which it will provide for rent control after July 31, 1977. We are most concerned about that.

Second, we are most concerned that the whole process and experience of rent administration under the Act which we passed in this Legislature has been so manhandled by the government that it throws the rent review process into serious disrepute and cries out for reform of a number of kinds. On the question of rent review and rent control, what we want and need from the government is an indication, before this session adjourns in the middle of December, of the kind of legislation the government intends to bring in in the spring—if it does—which will prolong rent review or rent control beyond July 31, 1977.

As a matter of fact, if I may say so, since the landlords will prepare their rent increases in April, since those rent increases must be provided on May 1 in order to give the 90-day period required by law prior to an increase in rent which would bring us to August 1, 1977, it is absolutely obligatory that the government's rent control process be introduced now, effective August 1, 1977, rather than wait for the New Year. What we are effectively doing, with respect, is avoiding provision of the assurance, which tenants need all across Ontario, that terms of the agreements and the contracts which they will sign in the latter half of 1977 will be fair rather than discriminatory.

I don't care how many times the Minister of Consumer and Commercial Relations (Mr. Handleman) stands in this House and says the government made a commitment, if there is no law the commitment is without force. There must somehow be legislation which we know of at this point in time.

Along with the utter irresponsibility of refusing to provide for us an indication of what kinds of controls and reviews the government will continue beyond July 31, 1977, along with that utter irresponsibility, is the irresponsibility of the tears and holes in the rental administrative curtain as it now exists. We have, in this caucus, received an untold number of letters and petitions and submissions about the maladministration of the rent review programme.

We've noted, in a whole variety of ways: That it is absurd to continue rent review on a unit by unit basis in one given building when the building as a whole can be brought under rent review; that it is absurd that there

isn't a tenant's guide to consecrate in writing the rights of the tenant, as there is a guide for rent review officers and for landlords. We feel that it continues to be absurd that there are no ministry guidelines to rent review officers which are binding and are part of the regulations under The Rent Review Act. It continues to be absurd that there is no standard lease applicable across the province of Ontario which will give tenants protection. We continue to feel it absurd that so many rent review officers are using discretionary powers in a way which is positively distasteful and clearly inequitable as it applies to the tenants—and those cases have been chronicled publicly.

In other words we are determined that the review, the application of the rental administration procedure, be reformed. And that, along with rent control, seems to us to be an obligation of this session rather than of the next.

May I say, Mr. Speaker, through you to the House leader, that the New Democratic Party does not believe that those rent controls should be lifted until there is an adequate supply of rental accommodation in the province of Ontario. More than that, if, as the government argues, the cost of living index has in fact come down in their terms; and if, as in fact the Anti-Inflation Board argues, wage settlements must now be contained within a level of six per cent in the next year; then it seems to us that not only should rent control be extended but that the percentage increase allowable by law should also be dropped to nearer the alleged drop in other sectors of the society.

Let us face it, that six per cent, of course, will not deny the landlords the right to take more if they can simply prove to the rent review officer or tribunal or whatever that they are so entitled, as they've been allowed to do up until now.

In other words, the whole question of the way in which the government has approached rents mirrors its own ambivalence and its own ambiguity about a Conservative approach to intrusion in this part of the private sector. We fought hard in the last campaign on this matter; we anticipate that we'll do it again with pleasure if we are driven to that.

We say to the government that it is wrong and irresponsible not to introduce before the middle of December the kind of extension of rent review which it intends to provide, if at all. And if it does it in the spring, it is inviting enormous problems for a number of tenants whose leases are being renewed on a month to month basis or a six-month basis; and from this government, one would have expected something better.

That's the first point I wanted to touch on, Mr. Speaker. The second point I want to touch on is the question of farm land in Ontario and its preservation. I'm sorry the Minister of Agriculture and Food had to leave, but I can understand that.

Hon. Mr. Welch: He'll be back.

Mr. Lewis: To be fair to him, he didn't know I was going to speak and there's no reason in the world why he need be here. I will deal with it, however, in his absence, because he can read the record even if he can't be here to heckle me.

One would think that with the central nature of the farm land issue in the last provincial election in August and September of 1975, the government would somehow have responded—that in the interim 14-month period it would have been possible for the government to fashion some guidelines within the food land development branch of the Ministry of Agriculture and Food, even if the government was not prepared to go so far as we would wish them to go in terms of the designation of prime agricultural land.

The reality is—and it's the reason for our raising it again in the twilight period of the budget debate—the reality is that the government has not only failed to introduce guidelines, the government has not only failed to introduce policy, but the government has failed to protect or has failed to act on protection of the area of the province which is most vulnerable—and that's the Niagara Peninsula.

To this day, 14 months later, we still have before the government the request of the regional municipality of Niagara to expand its borders for urban growth. To this day we still do not have a response from the government of the province of Ontario. It is natural, therefore, that the Niagara Peninsula stands as a symbol of all that is wrong with the preservation of food land in Ontario.

Instead of the policy which anyone in his or her right mind would have seen should be forthcoming, the government has attempted, perversely enough, eccentrically enough, to tackle us on our own ground, on the number of acres per hour going out of production. I gather, from what I have heard personally and what I have witnessed generally, that the Premier (Mr. Davis) was agitated by the use of the statistic of 26 acres an hour; and clearly so were a number of leading Conservative lights, not the least of which was the House leader who burns brilliantly all the time.

Hon. Mr. Welch: Just a matter of accuracy.

Mr. Lewis: As a matter of fact, the figures were taken from Statistics Canada for 1966-71 and projected on the assumption there has been no decline in the process; I suspect there may even have been an increase.

What the government has done by way of an attempt to reply is to take a look at the assessment rolls in the province of Ontario and to make an argument about the amount of agricultural land which we have. The Minister of Agriculture and Food has not, as often as he might have, pointed out that there is no comparison between the Statistics Canada figure and the assessment figure. When he does point out that there is a difference in definition between the two, he then goes ahead and compares them anyway in his own friendly and amiable style. The fact of the matter is that we will know the truth about the 26-acre-an-hour figure when Statistics Canada re-emerges. The interesting phenomenon is that—

Hon. Mr. Welch: He doesn't have to wait for them.

Hon. W. Newman: You don't have to wait.

Mr. Lewis: —Statistics Canada will, I am sure, attempt to facilitate the end of that argument by giving us the data in advance of the next election campaign. Happily that's the way it works. At some dramatic moment in time between now and then we will know the figures from 1971 to 1976 on the same base.

The Minister of Agriculture and Food points to himself engagingly and implies that the ministry knows them now. What the ministry knows, of course, are the assessment roll figures for agricultural land which include land held by developers but not used for farming, which include vacant lots, which include brush, which include class seven land; which include all kinds of land which of course was not included in the StatCan figures. However, that minor inconsistency aside—minor only in the mind of a Tory fanatic, lovable though he is—

Hon. Mr. Welch: Withdraw.

Mr. Lewis: Pardon; which one?

Hon. Mr. Welch: Fanatic; withdraw.

Mr. Lewis: I withdraw.

Hon. Mr. Welch: It is dedication, conviction.

Mr. Lewis: I withdraw. Fanaticism is not a quality given to Tories. Myopia, paralysis, almost anything else; but fanaticism, no.

What the Minister of Agriculture and Food has done instead is to make a number of speeches, all of relative insignificance, detailing the question of assessment and the way in which it shows agricultural land available.

May I say through you, Mr. Speaker, to the Minister of Agriculture and Food that his most significant contribution, if I may say so in that regard, was the speech he made on September 3, 1976, to the agricultural day luncheon at the Canadian National Exhibition. It is a speech which a number of Tory cohorts have picked up and promenaded around the province of Ontario, using essentially the same data and the same statistical evidence.

[3:15]

It's really interesting that the minister is determined to use assessment figures which he knows give an entirely false, distorted—certainly distorted—an entirely distorted picture of what is going on because of the way they can be used. As a matter of fact, I would like to recall the minister's words—some that he's doubtless forgotten, because he wouldn't wish to recall them, but I'll do it for him, basically because of generosity. Can I recall for him some statements he made about the absurdity of using these kinds of figures, the figures he's now employing, because of the essentially distorted pictures they give about agriculture—using these figures to pretend this is land which can be used.

In Brampton—Brampton, no less—before the Board of Trade Farmers' Night on February 25, 1976, the minister said—and I quote:

"Incidentally, as another example of the pitfalls inherent in accepting statistics without careful study, you may recall a phenomenon that occurred during provincial reassessment about five years ago." Ironically, you were dealing with assessments.

"A lot of land owners suddenly recalled that if a property listed as agricultural land lies idle for two years, it becomes liable to residential assessment and higher taxes. You sure saw a frenzy of activity then in the fields around here—so much, in fact, that assessors still refer to the phenomenon as 'the greening of Peel.' That's not the sort of solid farm production I want to see, of course."

It's not the kind of solid farm production the minister wants to see because he knows, being a scrupulously honest man, that the

use of those assessment figures in that way gives a totally distorted conception of the quality of agricultural production which is available for those lands.

But let me take the argument on to the minister's ground even more directly. The minister said—this is really very interesting—that in southwestern Ontario, our major agricultural district, there are 5.36 million acres of land currently being farmed. He also said that there are 66,000 acres of agricultural land which remain idle but could be farmed. And he said, in a fashion which struck me as rather sanguine, that that gave about one acre of replacement land for every 100 acres being farmed. He seemed to feel that in the richest belt of the province of Ontario, that was really quite satisfactory. I must say a ratio of one acre to 100 acres being farmed hardly strikes the New Democratic caucus as satisfactory. As a matter of fact, it strikes us as being perilous in the extreme. But if the minister is satisfied with that—

Hon. W. Newman: How can you mislead the House?

Mr. Deputy Speaker: You are not suggesting the speaker is misleading the House?

Hon. W. Newman: No, I am saying he is not telling the whole story, Mr. Speaker.

Mr. Lewis: Oh? I will read the direct quote from the CNE speech. I admit I was recalling it. It says:

"In our major agricultural district, southwestern Ontario, we find more than 5.36 million acres being farmed now in 11 counties and regions. Potential food lands that are not being used for farming or anything else amount to more than 66,000 acres or a bit more than one acre in reserve for every 100 acres being farmed. That seems appropriate for an area of intensive agriculture." Did I mislead? I was absolutely impeccable in conveying the absurdity with which the minister endowed this speech. I didn't mislead at all.

Hon. W. Newman: Read on. Read the rest of the speech.

Mr. Lewis: I'm going to get to the rest of it. The interesting thing is that the minister is willing to settle for one acre of replacement land for 100 acres of good agricultural—

Hon. W. Newman: I didn't say "one."

Mr. Lewis: The minister can throw whatever epithets across the floor he wishes. I won't dignify them by giving voice to them.

Mr. Deans: The minister is also unparliamentary.

Mr. Lewis: But I want to go on with the analysis. The soil surveys—and I hope the minister is listening to this—the soil surveys of that area of southwestern Ontario show a total of class one, class two and class three agricultural land of 5.27 million acres. The Canada Land Inventory and the soil surveys we have show 5.27 million acres. There is a total of 5.36 million acres now being farmed. The reality therefore is that any additional land available is of much lesser worth, much lesser farming durability; to talk about it as though it is an adequate substitute for the present prime agricultural land is so much balderdash. The government has no additional land in southwestern Ontario and if it looked at its Canada Land Inventory maps, it would know that.

Now, let me take you, Mr. Speaker, to the silliest part of this speech, which was from the minister's point of view the central part. The minister said, Mr. Speaker, that in the "golden horseshoe" area there are 1.45 million acres being farmed and there is a quarter of a million acres in reserve; 1.45 million being farmed, 250,000 acres in reserve.

Now again, we've looked at the Canada Land Inventory, we've looked at the additional soil studies and we find that class one, two and three land occupies 1.67 million acres of the "golden horseshoe."

One point four five million acres of it is already being farmed, which means that if there is another 250,000 acres to farm it is all lesser quality land and it is nonsense to talk about it as an alternative to the prime agricultural land we are now farming. And it is exceeding discourteous of the minister, not to say inelegant and misleading, to trot these kinds of figures around Ontario when it amounts to even less than a hill of beans. He doesn't have the land.

But let's take the argument a third step. Even if the minister did have the land, has he looked at the cost of the land per acre in the whole Metropolitan Toronto and Niagara region—he called it the "golden horseshoe" region? Has he looked at the cost per acre?

One of the things we were very fortunate in getting was a private document from the Ministry of Revenue, 1975, which document was used for the Blair commission report in the preparation of material. The unpublished document shows the average 1975 sale prices per acre of farmland in the various areas of the "golden horseshoe." Can I put the prices on the record?

In Hamilton-Wentworth in 1975, the average price per acre of farm land sold was $1,500; in Niagara, $1,750; in Durham, $2,924; in Halton, $3,859; in York, $4,274; in Peel, $8,672 per acre.

Now the Minister of Agriculture and Food is a man with some farm background. Is he pretending that any farmer anywhere could buy additional land at these prices per acre and make a return on investment? He knows that's not possible. As a matter of fact—although I won't take the time of the House to do it; I've done it elsewhere and we will do it all over southern Ontario—when one takes the costs of production using the Ministry of Agriculture and Food costs with the revenue per acre added in, and if one looks at the carrying costs based on money borrowed, let us say, at nine or 10 per cent, and if one looks at the selling prices based on the monthly crop and livestock report of the Ontario Ministry of Agriculture and Food, then no matter what commodity one takes, one cannot make it pay at those prices. The minister is pricing farmers right out of their land if he pretends that any of that quarter of a million acres of additional land is really a replacement for what we are now farming.

So what does it all show when you look at it in the context of what has evolved since September of 1975? Number one, the minister is using to chronicle farm lands assessment figures which are distorted from the moment they are employed—distorted because they use scrub land, development-held land, class seven land, bush land. If that isn't true then I issue on our behalf, Mr. Speaker, through you to the minister, a challenge right now: Let him table in the Legislature the classes of the reserve land which he talks about. Let him table it in the Legislature.

The minister says publicly, he and the Treasurer, that there is one acre of land in Ontario for every acre presently being farmed. We challenge him to table the classes of that land in the Legislature. We'll be glad to see it, because the minister knows where that land is and my colleagues from northern Ontario know where that land is. So the use of the assessment figures is distorted from the outset, bears no comparison to Statistics Canada, and gives a totally false impression.

Number two, if we take a look at the areas for which the minister argues there is decent alternative land in southwestern Ontario and the "golden horseshoe," we find upon analysis, using the Canada Land Inventory and various other data, that any land he may have is of much lesser quality and therefore not a real substitute.

Number three, we find that if we're dealing with some land which might be farmable, then the purchase price is so high per acre, based on government documents, that one couldn't possibly make a return on investment no matter whether one did it in corn or in barley or in wheat or in a number of other commodities for which we have made the calculations.

The upshot is, Mr. Speaker, that everything the government has said about agricultural land since September, 1975, is shot through with faulty argument, faulty data, and faulty reasoning, with respect, and when we look at it carefully and scrupulously, this is what emerges.

I say, Mr. Speaker, through you to the minister, with respect, that there remains the most compelling reality of all—that we simply have to provide some kind of protection.

I continue to say on behalf of my colleagues, Mr. Speaker, that this is not an obsession which is given to the New Democratic Party alone under any circumstances. This is something which is held to by all kinds of groups. I was fascinated, and my colleague the member for York South (Mr. MacDonald) who speaks about these matters constantly, was fascinated, to note that the minister has just received from the Ontario Institute of Agrologists, this very month, yet a further update on their original position, in which they say again: "For these reasons, as well as others developed more fully in our previous statement, we in the institute again urge that the Ontario government immediately takes some further positive steps to preserve for agricultural use land classed as one, two and three in the Canada Land Inventory along with special crop land."

We used the Canada Land Inventory to show that the figures the minister has used for southwestern Ontario and the "golden horseshoe" region alone are invalid. They want him to designate those lands. They say: "As a first step in this direction, we urge that legislation be introduced which would designate all class one, two, and three lands and special crop lands as food land. And further, that in future, land designated as food land should be released to other uses only when it is proven that the need for such land cannot be met from the supply of lower quality land and that society will benefit from the change in use. Announcement by the government of the designation of class one, two, and three lands and special

crop lands as food land would, we believe, automatically slow the loss of prime food land."

The agrologists are right. It would automatically slow the loss of prime food land.

Hon. W. Newman: Glad to hear you say that.

Mr. Lewis: The minister likes to hear us say that? Well, we've said it all along. We've said that there must be statutory protection for farm land. We've said that there must be designation of class one, two, and three land. The problem is that every time we've said it, the minister says, "State ownership." Every time we've said it the minister says, "Socialism in agriculture. Socialism in farm land." Then, lo and behold, the member for Dufferin-Simcoe (Mr. McCague), the former chairman of the Niagara Escarpment Commission, who's not here at the moment, introduces a private member's bill, An Act to provide for the Designation and Retention of Foodlands, and puts in the bill, in principle, a position which corresponds very closely to the kinds of arguments which many have been making.

Mr. Warner: Maybe he is a socialist.

Mr. Lewis: The creeping socialism within the Tory ranks is not always evident, but in this case it's really interesting. I didn't hear the minister mock his proposal, and I take it that if a back-bencher of that stature introduces this kind of proposed designation it means that it's likely to become law at some point in time. I want the minister to know that if and when he makes it law he is not going to get resistance from the New Democratic caucus.

[3:30]

But I also want to tell the minister, through you Mr. Speaker, that the designation itself isn't enough. He has to establish guidelines and criteria without the observance of which it becomes impossible to shift that food land to alternative use. He has to protect that land and make developers and other groups fight for alternative use as part of our absolute and unequivocal commitment to the preservation of agricultural land in this province.

So I say, to pull it together, that the assessment figures are wrong, the data is wrong—even if it was right one couldn't afford the land. There are clearly people in the wings lurking, pressing, anxiously cajoling government into the designation of the land and somewhere along the way the minister is going to have to protect Niagara and he is going to have to designate that land or in fact he will be faced with yet another assault on the hustings around the preservation of agricultural land and make no mistake about it. As I said earlier, Mr. Speaker, when we get closer to the day in May or June there is going to be a whole range of new data on our side.

That leads me to the third point I wanted to make on behalf of the members of this caucus. That relates to the question of the Reed Paper company transaction and it too has to do with land. It does with the forest resources of northern Ontario what we have been attempting to do with the agricultural land in southern Ontario—saving our land being a central theme which the New Democratic Party feels terribly strongly about.

I understand that the argument continues to rage, Mr. Speaker. I see the argument continuing to rage all around the province.

I find it quite fascinating—as a matter of fact, if I may just sort of comment almost in passing on events—I find it of interest to see the way in which the Conservatives feel compelled all over the province to attempt to justify the Reed transaction. That's an unusual response for the Tories in Ontario to go out on the hustings and energetically to construct a reply to an opposition position.

I think that it has happened because all over the province of Ontario the proposed transaction, which may or may not take place, is seen as wrong. It's seen as wrong by a great majority of the citizens of Ontario. And I want to tell the cabinet ministers who are here, through you, Mr. Speaker, that it has been the experience of our northern members in contact with northern constituents sitting on northern open lines, even as in a place like Sault Ste. Marie, to find the communities agitated about the intended Reed Paper transaction and what the government has in mind.

And what we always thought to be true appears to be true. This isn't a southern Ontario issue. This is an issue which unites the province. The province generally cannot believe that the government would contemplate this kind of transaction.

This is where the Premier and his Tories and the New Democrats part company. It isn't a matter of the environmental hearing process. If I may, without betraying secrets, I was one of those who had talked to the Premier from time to time about the validity of The Environmental Assessment Act; talked about the validity of the Environmental As-

sessment Board; liked the idea of an independent chairman; feel uncomfortable about it primarily because it is unacceptable to the people of Treaty Nine and therefore it must be unacceptable, because the government can't have the hearings without Indian participation. Can you imagine the Berger inquiry without native peoples appearing before Justice Thomas Berger? That is what is presently in store for us in northwestern Ontario.

We understand the validity of the Act. We understand that it is going to come before the board. We understand the safeguards which the government, in its mind, feels it has built in. With great respect to the Premier and to his colleagues, that is not the issue. The issue doesn't consist of the safeguards imposed after a calamitous decision is made. The issue doesn't consist of building in appropriate environmental constraints after you have made a significant error in judgement. The issue consists very simply: Should we proceed with the proposal at all? The New Democratic caucus says no, not in this form, not at this time.

We have said no, as you know, Mr. Deputy Speaker, for a number of what we think to be perfectly legitimate and compelling reasons. There are really three.

First of all, we have said no because of size. We don't think that any one company—and I must say I don't care whether it is the Reed company or any company in Ontario—should be given a tract of land verging nearly on 19,000 square miles of the last virgin timber resource we have, period. As an axiom, no company should be given that kind of land. Therefore no hearing should flow on a decision which contemplates that as a possibility.

May I point out to you, Mr. Deputy Speaker, what you already know and know well, that no other company in Ontario has ever received that kind of land. As a matter of fact, the largest licensed area given to any one company in the province of Ontario hitherto has been 16,054 square miles to Abitibi; but Abitibi has seven licences and nine mills on that 16,000-square mile tract. We are talking about giving Reed one licence and one mill on a 19,000-square mile tract. If you look at the next total licensed area, you find it's Great Lakes with 15,091 square miles; but Great Lakes has five separate licences and a number of mills.

Again, it is wrong to give one company 19,000 square miles in the fashion that is being contemplated. The average licensed size in this province is roughly 3,500, 4,000 or 5,000 square miles, maybe smaller, looking at the pattern of individual licences. We have never considered giving a licence of this size to any one company. I remind the members of the government, who are here this afternoon overflowing their ranks, that it was the observation of Professor Armson in June, 1976, in his report to the government that, "these large areas, perhaps justifiable under a regime of exploitation only, cannot be justified when forest management is both possible and feasible."

It makes no sense to us, that the government would be contemplating a licence of this size when all of its own experts say nay; and everybody who is engaged in this, that I have been able to read and we have been able to talk to, those who are professional foresters and those who are involved, argue quite persuasively that the granting of a licence this large is an invitation to bad forest management. The Premier can beat his breast all he wishes about jobs, the reality is this proposition is wrong in principle on grounds of size alone.

Thus, Mr. Deputy Speaker, as you know better than I because you are a man of capacity and expertise in this field, it is wrong on other grounds as well. It is wrong on the simple ground of regeneration and reforestation. As we get into this matter it becomes clearer and clearer that the forest resource sector of Ontario is in real trouble. Boy, are we in trouble! And nobody has been willing to acknowledge it for a considerable period of time. We have had, at the last count I made, 11 major government studies from 1924 to 1976, all of them speaking to the problem of reforestation, all of them ringing the alarm bell; some of them of very great status prophesying highly calamitous events.

The Deputy Speaker will recall that the timber revenue task force of October, 1975, says—and this is very hard to believe—"Given the continuance of the current level of regeneration, there is a distinct potential for timber shortages in the 1980s." Who in God's name could believe that in the province of Ontario we have squandered our forest resources so badly that there is a potential shortage in the 1980s? If one reads the documents—and I encourage every member of the Legislature to do so—of the other foresters, the words of Professor Hearden which the member for Lake Nipigon (Mr. Stokes) used in his leadoff in committee on Natural Resources, the words of John Parry, the young Ministry of Natural Resources forester who supervises the present Reed limits under the name of Dryden Pulp and Paper, if one reads all of that one realizes that we are in a critical situation over reforestation. I simply repeat what everyone knows.

We lose a third completely. We hope a third regenerates naturally. And we plant a third from government in the hope that that will do the job.

Can I read into the record of the House something that I am not sure has been read into this discussion before? In the ministry report, Survival and Growth of Tree Plantations on Crown Lands in Ontario, 1974:

"The results of the regeneration survey five years after planting showed: 1. In four northern districts six per cent of nursery stock black spruce was classified good by height, 27 per cent fair, and 31 per cent poor. Failure rate was 50 per cent. In three northern districts, three per cent of tube seedling black spruce was fair, 31 per cent poor. Failure was 66 per cent." In other words, Mr. Speaker, as you know, not only is one third replacement a shocking indictment of the failure of the government, but even that third has its own failure rate, in places of 50 to 60 to 70 per cent.

In other words, the crisis in forest management and regeneration is upon us. It is the responsibility of the government to handle it. The government has failed to handle it, and yet the government wants us to give them carte blanche to enter into negotiation, however many scruples they may observe, with a company to get another 19,000 square miles of northwestern Ontario. I don't think we should give them that right; we don't think it should proceed at all, however the hearing may develop.

I think, and we think, that on those grounds, on grounds of forest management and on grounds of lack of reforestation, those two compelling principles alone, the Reed transaction should not be contemplated and should be abandoned. However, there now emerges new and additional information which makes us really wonder at the basic sense of balance in the cabinet.

Now we know, after several years of study, that the environmental pollution of these companies has been waiting for the last 11 years for government supervision. The pulp and paper industry has created an enormous environmental problem all through northern and southern Ontario where the industry is located. But again government, for whatever reason, has not moved in on the transgressors until the last very few weeks literally—and even then we don't know how serious this government is. To top it all off, the single greatest transgressor in the most critical area of environmental pollution has been none other than the Reed Paper Company.

The Minister of the Environment (Mr. Kerr) said in question period today that he considers it a matter of tribute to the government, or words to that effect, that the government is not deterred by the Dryden mill experience in granting 19,000 square miles as a possible licence for the Reed Paper company. I'll say it is not deterred. But if we may be perverse about it for a moment, we sure as the devil would be deterred.

If we have 31 pulp and paper mills in Ontario the vast majority of which are polluting the environment in a disastrous fashion. If we have 31 pulp and paper mills in Ontario against whom the government has to levy either ministerial orders or charges—and that deals with the majority of them. And if the worst of them is the company the government wants to negotiate a 19,000 square mile tract with, we would pause.

As a matter of fact, if it doesn't seem quaint, we would probably say, "You get your house in order jolly quick before we will talk to you about any additional timber licence, anywhere in the province of Ontario." We wouldn't hesitate about that for a second.

[3:45]

I don't know whether the members of the Legislature have looked at the updated report which is now out, Alternative Policies for Pollution Abatement; the Ontario pulp and paper industry summary and update. There were standards set in 1966, there were standards set in 1969, there were standards updated in March, 1973; and in all those years they've never been met.

The situation for a number of these individual companies, is absolutely unbelievable. The tables which accompany the document show the effluent that is discharged into the rivers beside the various plants and they do it by way of tons per day. They look at the suspended solids and they look at the BOD-5 tons per day—that is, the amount of organic material which is discharged into a river which depletes the oxygen and therefore, results in very serious destruction of the river and streams surrounding the plant.

If we look at some of these plants it's really quite remarkable. In the discharge of this organic matter, which has the most significant deteriorating effect, the Abitibi mill in Iroquois Falls discharged 58 tons a day in 1970; it discharged 70 tons a day in 1975. The Abitibi panel mill in Sturgeon Falls discharged 7.8 tons a day in 1970; it discharged 17.6 tons a day in 1975.

Here's one which should give people pause: The Canadian International Paper plant at Hawkesbury was discharging 176 tons a day in 1970 and 188 tons a day in 1975. I have difficulty imagining 188 tons a day of effluent of organic matter discharged—the Speaker probably knows, but I certainly don't. And that's on top of the suspended solids which the company discharges every day—several tons a day in 1975.

In other words, if I can put it in summary, out of 31 mills only three have met the objectives for organic matter and six for suspended solids; 12 mills have increased their organic matter discharge since 1970; six have increased their suspended solid loading; three mills have increased both from 1970 to 1975. Four mills are classified as potentially dangerous to human health; five mills are identified as causing gross deterioration to the environment; one mill is still discharging a mercury compound.

Is it possible ever to imagine, in writing from the ministry, a greater or more specific indictment of the failure of government? It's all here in the document and all of it is in the pulp and paper industry.

The reason I singled out the Reed Paper company wasn't simply because it's engaged in the northwest transaction. It's because, in the discharge of the serious matter—the organic compound which drains the oxygen from the rivers—the Reed Paper company has jumped from 24 tons a day to 46.2 tons a day from 1970 to 1975. That's an increase of almost 100 per cent and don't let anybody in this House, the Minister of the Environment himself included, tell me this nonsense about it being an old mill.

I know it's an old mill. Many of us have been through old mills. I was through a relatively old mill at Espanola this weekend. I've been through the old mill at Iroquois Falls; the old mill at Fort Frances; the old mill at Kenora. Just four or five weeks ago I was through the old mill in Cochrane—what's it called? What am I thinking of, in Cochrane North? Smooth Rock—the Smooth Rock mill.

The reality is that even though some of these mills may be old, the government has set objectives which it feels the mills are capable of meeting. The objective for the Reed Paper company, for example, was a discharge of five tons a day; instead it's 46 tons a day. No one has to tell us that it's because it's 60 years old. That's just turning the Minister of the Environment into an apologist for the pulp and paper industry. That's what happens to the minister when that kind of thing occurs.

It's a totally undignified business. If they can get any solace from the proposition that 10 years later they're finally undertaking enforcement of the ministerial control orders, that doesn't satisfy the New Democratic Party. Do you know why it doesn't satisfy the New Democratic Party, Mr. Speaker, if I may say so? It is for one very simple reason over and above all the others. This is really a kind of interesting related point. Whenever we talk as a party about cleaning up certain work places and environments, we are always told by the companies involved and the government involved: "We'll have to shut down; you're gonna lose jobs; is that what you want?" We've been told this by Falconbridge, we've been told this by Inco, we've been told this by lead plants, and we've been told this by pulp and paper companies. Every time we talk about cleanup, they say: "Our profits can't manage it. We'll have to close down."

In Elliot Lake on Friday afternoon of this last weekend—I say this in the presence of the Minister of Labour (B. Stephenson) because I know she will at least be interested—I met with the health and safety committees of the two locals attached to Rio Algom and Denison. In Denison Mines, as you may know, Mr. Speaker, the four working months per year level of exposure has been reached in some work areas, but not in all work areas, and the workers are getting rather nervous about the extent of their exposure. As a matter of fact, they made a remarkably fascinating point to me, which hadn't occurred to me at all. They said: "Now that we learn there's radon gas seeping into our homes as a result of a rock fault running through the town and as a result of landfill, and now that the Atomic Energy Control Board has identified between 150 and 200 properties where the readings of radioactivity are in excess of the background threshold limit, don't we have then to look at our exposure underground along with the unexpected exposure above ground, because together it may mean that we shouldn't be spending as much time in the mines. Up until now, we've never thought that when we go home we're exposed to radioactivity. Now we suddenly learn we are." It was a really telling point.

When they raised this kind of point with Denison and when they said to Denison, we should get it down to three working-level months rather than four working-level months of exposure to radioactivity, do you know what the general manager of Denison said to that union local? The men who were there

at the meeting confirmed it and gave me the names of the people who attended from Denison. They said: "If you try to get it down lower, we'll have to close the mine." They even went further. They said: "That isn't a threat, that's a reality."

That's what we get from the corporate sector all the time. Every time we want to do something about worker protection and environmental control, they say: "It's too costly. We'll have to close the plant." The New Democratic Party has been saying to the government: "Call their bluff. We don't believe it, that's a lot of nonsense."

That's what we heard from United Asbestos in Matachewan. I got readings on my desk from United Asbestos in Matachewan today, and three out of the four readings in three or four critical areas showed contamination of less than one fibre per cubic centimentre. A year ago they said they couldn't bring it down to five fibres per cubic centimetre. You put the blocks to these companies and they adhere to the law.

The pulp and paper industry has been saying to us, for God knows how long, "We can't." Then in the government report the following words appear—and I read it for the record; I read it for my colleagues and I read it for the Deputy Speaker's absorption: "The firms in the Ontario pulp and paper industry would be able to absorb the costs of meeting the environmental objectives as established by the Ministry of the Environment without mill closures, without substantial layoffs and without a significant deterioration in the industry's profit performance."

How do you like that, Mr. Speaker? That's really put an end to the nonsense about the way in which industry responds to the pressures from government. It also shows up the Ministry of the Environment for the lack of political fibre which characterizes it even unto this day at the decision-making level. There was no reason for it to have waited 10 years before coming to grips with these companies. The companies could afford it and there would have been no unhappy consequences for the communities or the work force.

That means, for us, that on all counts—the size of the intended tract; the lack of regeneration; the situation of environmental pollution in the pulp and paper industry—this whole Reed proposal doesn't make any sense at all. To those who are forever saying, "Let's have the environmental hearing process and see what it does. Nothing will happen unless it's approved:" our response is: "Don't do it that way. That way is the path to further calamity. Get your own house in order. Fix up the forest industry in Ontario. Rationalize the licences. Provide reforestation. Clean up the pollution from the mills. Secure the jobs we now have. Eliminate the possibility of timber shortage in the 1980s. And then if you want to contemplate looking at that 19,000 square miles go ahead and look; but not until then."

We've even said, if the government wants to look at that point in time, there is a variety of things it can do. It can look at giving the Indian communities cutting rights and sawmills. It can look at extending present rights and limits in order to secure present jobs. It can look at using a smaller portion of the land distributed among a number of companies. It can look at public-private arrangements in consortium. But it doesn't consider at this point in time under any circumstances, given the massive evidence, even initiating the two and a half year process at the end of which Reed might get a licence.

When I say to the Premier "at any cost" he gets very excited and agitated as he thinks I speak purely of the environmental hearing process. It's not that of which I speak as a democratic socialist. What we're talking about is jobs for the north at equivalent costs.

Something has to be done to build northern Ontario which doesn't forever base it exclusively on the resource sector. That happened to Blind River when there were no more trees to cut down. Go up to Blind River—I invite any member to go up to Blind River—and speak to a community whose unemployment rate is regularly 25, 30 and 35 per cent because the renewable resource wasn't renewed. Spend some time in Cobalt and ask what happened when the silver mines closed down. Talk to the Deputy Speaker of the House about what was felt in the community of Geraldton when it was under economic pressure. They'll give you an earful about renewable and non-renewable resources, Mr. Speaker.

This business of forever giving the north the resource jobs while keeping the manufacturing jobs for the south all has to change. We've said it before and we'll say it again—I'll just say it once and draw my remarks to an end. One of the great ironies in this whole business of the Reed Paper transaction is a little paragraph in the prospectus for the fall of 1976. After the prospectus filed with the Ontario Securities Commission to seek a $50 million loan was completed—or in its contents—there is reference, of course, to the Ear Falls-Red Lake Mill. There is also re-

ference to the following: "We"—the Reed Paper company—"have completed a $35 million container board plant for Mississauga." I've no objection in the world to Mississauga. It's a lovely community, an excellent place, but one really has to ask oneself, how come the north gets the resource-based jobs and the south gets the manufacturing jobs? Those are the questions which my colleagues in northern Ontario are forever asking. How come we can't put a container board plant in northern Ontario to build an economic infra-structure in that part of the province? How come we take our ores and refine them abroad How is it that there are six jobs in the pulp and paper industry elsewhere in the province for every four in northern Ontario?

[4:00]

Those are the imbalances which the Reed Paper scheme serves to reinforce rather than to alter. For that reason, as well as a hundred others, we're not going to support that scheme. We're going to put this proposition up and down Ontario and we are going to chronicle what is involved.

On the pulp and paper pollution alone—I can't make this strong enough—we would not have contemplated negotiation with the Reed Paper company. Can anyone imagine it? Everybody on the government side of the House seems to think it's quite normal and common.

The government lays 10 charges against the company. It's one of only two companies which have violated ministerial orders. It has the single worst pollution record in the depositing of organic materials; it has dumped mercury sediment into the English-Wabigoon river system and the government is going to negotiate with it for 19,000 square miles of northwestern Ontario at precisely the same moment all of this is occurring.

Nuts, Mr. Speaker. It doesn't make sense and we're going to try to persuade Ontario that it doesn't make sense. I judge, from what I've been able to pick up out there in the hinterland of Ontario, that the people of Ontario agree with that and think the government is wrong, dead wrong.

The last point I want to make—I don't know what happens when one gets into these things; I tend to become far too wordy —the last area I wanted to get into was the creation of jobs. I wanted to make reference to this because I'm hoping that another couple of my colleagues, if they're able to speak later in the budget debate, will itemize it.

We are totally dissatisfied with the job picture in Ontario and with the pathetic intervention on the part of the provincial Treasurer last year in granting this sales tax rebate on the purchase of machinery and equipment to the corporate sector.

One gets a little tired of the hymns of praise to the glory of free enterprise and one gets a little weary of the constant adoration of the private sector. The reality is that in September, 1976, in Ontario there were 202,000 people actually unemployed. In October, 1976, there were 223,000 people unemployed and that remains almost identical to what it was one year ago.

There is no job-creating programme in this province worthy of the name. We would have taken that $160 million which is being given to the private sector and we would have ploughed it into the provision of housing, at the very least at prices people could afford, creating jobs in the construction centre where the need is greatest.

It's a very simple equation. We achieve two social goals simultaneously and that would have made a lot more sense than what we're doing with the money.

May I point out to you, Mr. Speaker, that it seems to be a fixation on the part of government—an idée fixe on the part of government—that everything it does it does for the private sector and it debunks the public sector in the process.

I wanted to deal with occupational health but I'm going to leave it for the Workmen's Compensation Board appearance before the resources or other committee and, therefore, let me sum up this way. Our feelings toward the Conservatives as a government in Ontario haven't changed in any way; nor do I think and nor do we think that the Tories should be sustained in office by our party under any circumstances when they're clearly in default.

They are clearly in default in all of the matters we have tried to enumerate during the course of this budget debate and, if I may say so, in particular the matters I have enumerated today: The question of agricultural land, the question of the Reed Paper Company, the question of rent control and rent administration, the question of the creation of jobs.

So strongly did we feel about this that we wanted to cast it in the context of non-confidence. We didn't particularly want to clutter up the process around here by introducing further motions, so we thought we

would do something which is admittedly unorthodox but which is clearly legitimate under the rules of the Legislature. We moved an amendment to the budget address—my colleague the member for Beaches-Woodbine (Ms. Bryden), I guess, moved an amendment to the budget address when it first came in. The assumption is then that the Liberal Party along the way would move a subamendment. They've chosen not to move a subamendment for whatever reason.

Mr. Breithaupt: The same reasons you didn't move one last time.

Mr. Lewis: They've chosen not to move a subamendment. No, it's rather different. I think this year it would have been quite appropriate and we would have encouraged you to do so. On the other hand, maybe there were a whole range of legitimate arguments.

Mr. Breithaupt: Possibly.

Mr. Lewis: But, there occurs this phenomenon of a remaining subamendment which the New Democratic Party can therefore legitimately put. So we're going to alter our original budget amendment, making it much more a matter of non-confidence, making quite clear those issues on which we would be happy to meet the government at any time—I want to make that clear, Mr. Speaker, at any time—on the hustings; the issues which my colleague, the member for Beaches-Woodbine set out and the issues which I affirm today.

Mr. Lewis moved that the motion that this House approve in general the budgetary policy of the government be further amended by adding the following words:

"And further, that this government has failed to respond adequately to:

1. The administrative problems which have undermined the tenants' accessibility to and confidence in the rent control procedures and to recognize by legislative action the need to ensure protection against unfair rent increases after July 1977.

2. The need for the early implementation of policies to designate prime agricultural food lands throughout Ontario.

3. The obvious need to develop manpower programmes, job retraining programmes and job creation programmes.

4. The neglect of adequate management of our forest resources, which neglect should clearly mean the abandonment of the proposed Reed Paper transaction; and that, therefore, this government does not enjoy the confidence of this House."

Mr. B. Newman: I rise to take part in the budget debate, a vehicle through which one can bring up various problems that are either province-wide or relate solely to one's municipality.

The new format makes it extremely difficult for one to raise a lot of the issues that I will raise this afternoon, because one cannot be in a committee and in the House both, or sometimes three places at the same time. As a result when you can't present a suggestion in the committee, then this is practically the only avenue by which one can present that suggestion.

The first topic I wish to bring to the attention of the House is one concerning the inequities as far as the grant structure is concerned involving my own municipality. One of the things that really struck me as being strange is that time and time again the officials from my community have met with the ministry here, have pointed out the errors in their calculations and the fact that there are inequities, and yet at no time has the government attempted to eliminate the inequities. If there is something wrong, I think it should be corrected and if we cannot correct it in one fashion, we can correct it in another. I hope, during the course of my remarks, that I will give the government a way by which it can correct the inequities as far as the grants coming to the city of Windsor are concerned.

It was on May 15, 1975, that the city of Windsor presented a position paper to the hon. Treasurer of this province, in which it pointed out—and quite clearly pointed out—that Windsor was not getting the grants to which it was entitled when one compared that community with other communities of approximately its size as well as those substantially smaller.

On June 6, 1975, a communication was directed to the hon. Treasurer which said, and I'm quoting one sentence from it, "It was further agreed that your department"—referring to the Ministry of Treasury, Economics and Intergovernmental Affairs—"would review the formula in question." That referred to the grant equalization formula. That letter was sent by the mayor of the city of Windsor, as I mentioned earlier, on June 6.

On June 13 of that same year, the minister did mention the following, and I'm reading from his letter of June 13: "Your Worship: In your letter of June 6 you suggest that we agreed to have TEIGA undertake a review

of the formula for the resource equalization grant because of possible inequities. However, as you will recall, we both recognized that the formula, as such, is eminently equitable but that conceivably the equalization factor for Windsor could be out of line with the rest of the province."

That is the area on which the community raises its greatest concern—that the equalization factor is out of line wih the rest of the province.

On June 23, a communication was also directed to the Minister of Revenue (Mr. Meen) asking that he meet with the officials of the city and discuss the equalization factor so that the problem could be resolved. At the same time, a 13-point position paper was submitted to the cabinet on behalf of the community, listing 13 areas in which there could be some mutual discussion between the ministry and the officials from the city in an attempt to resolve the long-standing problem.

When I mention inequities, I do this because I recall last week listening to a television programme in my hotel room, in which the present mayor of the city of London mentioned the city of Windsor and the fact that London did receive and continued to receive favourable treatment in comparison to the city of Windsor. Here we have the mayor of the city of London, actually admitting there was favouritism shown to that community. It's not that we think there should be any reduction in the consideration given to London but that Windsor should receive the same type of consideration.

Mr. Peterson: Good representation.

Mr. B. Newman: She did make mention in her comments that all the inequities started when the city had representation in the cabinet from four sitting members in the area. There was the mayor of a community pointing out on public television that there was injustice. We in the city of Windsor would like that injustice to be corrected.

[4:15]

On January 21, this year, a reply was sent by the provincial Treasurer to the community in which he made comment concerning the 13 points raised by the officials of the city of Windsor. The officials had a chance to peruse the comments. However, they were never given the opportunity to directly involve themselves in consultation with the officials of the ministry to point out where they were in error. They did make the following comment in a letter addressed to the provincial Treasurer on March 22: "Some members of the local chamber of commerce who represent a cross-section of the businessmen in the community feel that your government has not concerned yourselves with these inequities.'"

So we can see that the letter from the commissioner of finance on March 22 certainly indicated that the inequities were not being looked at by the provincial Treasurer.

On March 1, 1976, a communication prepared by the commissioner of finance for the city did answer each of the suggestions and arguments presented by the provincial Treasurer, and he makes one significant comment under point four, in which he says: "We admit that the Treasurer did advise us in 1975 the guarantee was only for one year, but it still does not alleviate the fact that our grants from the province have been reduced even though we have maintained our expenditure growth to a level equal or less than what they were recommending for 1976."

So we can see that the community did try to live up to all of the agreements but still were not treated fairly. On March 30 the minister replied to the city in a communication that I don't intend to read, for the sake of time, but I will bring to your attention, Mr. Speaker, that the city still maintains, as it has always maintained right from the beginning, that it has not been treated fairly.

I think the only way to resolve the problem would be for the TEIGA officials and the officials from the community, from my community, to get together and hammer out each one of the points under discussion and resolve the problem once and for all. The officials of the city of Windsor certainly have no difficulty pointing out to the ministry the inequities that do exist and that should be remedied as quickly as possible.

One of the other inequities that exists in the community is grants as far as provision for sewage treatment facilities. The city of Windsor did build facilities that could accommodate the surrounding municipalities. They didn't have to do that, but for the sake of saving money to the surrounding municipalities and to the province, they, as good citizens, went right ahead and did that. Had they not, then the province of Ontario would have had to provide substantial funds to the surrounding areas to provide their own sewage treatment facilities.

What the city was doing was actually acting as a regional form of government in providing sewage treatment facilities, yet the provincial Treasurer doesn't look upon the fact that the city of Windsor saved the province substantial amounts of money in doing just exactly what it did. The least the province could have done was to make available to them the same amount of grants as are provided to regional governments in other parts of the province, even though Windsor may not have a regional government setup.

If the province treats the city in the future the way it has in the past, we can rest assured there will be no request on the part of anyone around the Essex county area that would be in the least interested in regional government.

The comments I have to make now are going to be quite detailed and I hope for the sake of the Hansard reporters they would take the sheet that I have so that the figures could be fairly accurately reported. I am reading from a brief presented to the provincial Treasurer some time before June 22. It's addressed to Hon. W. Darcy McKeough, Treasurer of Ontario:

"In reviewing your 1976 budget, we must say that generally we concur with your efforts at restraint. We have also completed our 1976 budget and are pleased to say that we are again able to follow the pattern set in the past few years in keeping our increases to a minimum. Our goal for this year's budget was to stay within the AIB guidelines. This was accomplished in spite of the fact that the resources equalization grant and the general support grant were reduced by $492,000 and that the cost of OHIP increased by $170,000. Services have been cut back to the bare minimum.

"The education mill rate has increased by 40.5 per cent for public school supporters (36.81 per cent for separate). The total mill rate therefore increased by 20.89 per cent for public school supporters (19.07 per cent for separate).

"Unconditional grants. While reviewing your publication, 1976 Ontario Assistance to Local Governments, we noted the following estimated grants"—and I am going to read them in four categories. I will read the municipality first; the 1976 unconditional grant; the population on which the 1976 grants are based, and the unconditional grants per capita. I will read right across so that Hansard will be able to pick this up later from the sheet that I will provide them. We are comparing nine municipalities:

	Unconditional grants	Population	Unconditional grants per capita
London	11,121,000	243,416	$45.69
St. Catharines	5,492,000	120,398	$45.62
Oshawa	4,585,000	102,876	$44.57
Hamilton	12,544,000	311,886	$40.22
Kitchener	5,122,000	130,228	$39.33
Metro Toronto	79,842,000	2,153,381	$37.08
Ottawa	9,523,000	300,065	$31.74
Windsor	5,776,000	198,569	$29.09
Mississauga	6,775,000	234,975	$28.83

Mr. Speaker, you can see that by just comparing the nine municipalities, the city of Windsor stood eighth as far as the unconditional grants were concerned, yet population-wise it was either fourth or fifth. A city comparable to it received almost twice the amount of unconditional grants—absolutely unfair.

Continuing from the brief—this, as I said earlier, was addressed to Hon. Darcy McKeough: "You have stated previously that the main purpose of the resource equalization grant was to assist less wealthy municipalities. We cannot accept that Windsor is so much 'wealthier' than London, St. Catharines, Oshawa, and so forth. Since 1973 when the property tax stabilization grants were introduced, the city of London has received $15,981,192 more in grants than Windsor. The difference in the resource grant for 1976 amounts to $4,709,930. Based on our 1976 mill rate, we need $48,900,000 more in commercial and industrial assessment to equal the extra grant received by London. It is obvious to us that the equalization factor used in calculating the resource grant is out of line for Windsor.

"We understand that to adjust Windsor's equalization factor would probably cause complaints for other municipalities. We also understand that you have market value assessment figures available for all municipalities. We, therefore, recommend that the province in conjunction with the municipalities immediately calculate the grants based on market value assessment to determine the effect on the grants. We are certain that this exercise will prove that our equalization factor is grossly incorrect."

Continuing from the brief, the next item they discuss is regional sewer grants. "We must again request that the city of Windsor be eligible for the regional grants for sewer purposes in connection with the expansion of the West Windsor pollution control plant. As

you are aware, the townships of Sandwich West and Sandwich South will be connecting to our treatment plant. Sandwich West area comprises some 6,000 acres with a proposed future population of at least 20,000 people. A study performed in 1972 indicated that it would cost approximately $2.4 million to construct a separate sewage facility for the township. Today's prices would cost $3.3 million. The Ministry of the Environment would have to construct this plant for the township.

"Windsor, in allowing the neighbouring townships to share in our plants, has ensured that unnecessary plants were not constructed and thus saved money for the townships and the province. You have previously suggested that if Windsor is not fully recovering its costs then we should renegotiate the agreements. The fact is that we are recovering our costs, but neither the city nor the townships, having acted in a prudent and responsible manner, obtain any benefits that are given to other taxpayers merely based on the type of government they happened to have forced upon them by the province.

"It is, therefore, recommended that:

"1. The province, in conjunction with the municipalities, immediately calculate the unconditional grants based on market value assessment.

"2. The city of Windsor be declared eligible for the regional sewer grant for the expansion of the West Windsor pollution control plant."

The least the government could do is provide to the community some type of grant that would correct the errors of their calculations in the past, so that Windsor would be on the same footing as other municipalities in the province and that we be treated just as fairly as are the others. The postponement of any implementation of market value assessment without action by the government really perpetuates the injustice and the inequality that has been imposed upon my community. A grant in lieu of these inequalities would be able to resolve the problem.

The second topic I wish to discuss is election expenses. We now do have legislation that governs federal elections and provincial elections. It is about time we take the third level of government out of the closet and put it right on the table as are the other two levels, so that we have some type of legislation that will provide control and some guidelines concerning election expenses of individuals running for a municipal office.

[4:30]

Back on November 8—and that is quite recently—the Toronto Star carried this editorial headed: "Who Gives Aldermen Election Money?"

"There's nothing to prevent a candidate for municipal office in the December 6 elections from accepting a large cash donation from someone who later will ask a favour in return. Worse, the voters would never know about it.

"There are still no rules setting limits on campaign contributions or requiring that the sources of funds be revealed.

"North York council may do something about the absence of election laws by asking all candidates to sign a statement promising to reveal the sources of their funds after the election. It almost certainly won't work because the borough has no authority to force anyone to sign. Nor can it take any action against candidates who do sign but fail to honour their promise later.

"North York already has a policy calling on all candidates to reveal their financing sources. But last election Controller William Sutherland, Alderman Betty Sutherland and Alderman Paul Valenti ignored it altogether and another three or four aldermen complied only partially.

"Controller Alex McGivern doesn't want to sign, saying it should be left to the candidate to decide who he takes money from because the public is not interested. In the next breath, though, he inadvertently provided the very reason the public is interested: 'Some of us are honest, some of us are dishonest,' he said.

"Etobicoke, Scarborough, York and East York have no policy at all. Toronto has a new policy for the coming election but it calls on candidates to reveal only their total amount of funds, not the names of contributors.

"It's time Queen's Park disciplined municipal elections by regulations with teeth in them. On their own as they are now, municipal candidates are easy targets for anyone who might want to ensure a sympathetic ear by donating needed funds.

"Both federal and provincial candidates have to disclose all campaign contributions over $100. There are also limits on how much a single contributor can donate.

"Queen's Park should have had a law ready for this year's municipal elections. It has been aware of the need for some time and has no justifiable excuse for its failure to act.

"The next municipal elections will be in 1978. By that time the provincial Legislature

will be duty-bound to have come up with legislation on the disclosure of campaign funds and limits on the size of individual donations.

"At the same time, both Queen's Park and Ottawa could help municipal candidates raise campaign funds by making available the same tax deductions for municipal campaign donations as are already available for dontions to federal and provincial candidates."

My community was a little more concerned than simply talking about it. In fact, on September 27, 1976, they adopted the following resolution:

"Whereas the federal and provincial governments have recognized the wisdom of encouraging a broad base for the funding of election campaigns and have implemented measures which (1) place upper limits on donations to campaigns, (2) provide for independent auditing of the financing of campaigns, (3) provide for the publication of financial aspects of election campaigns, (4) provide contributors to election campaigns with tax credits based on the contributions; "And, whereas municipal election campaigns in larger cities can be very costly to the candidates involved, thus discouraging less affluent candidates; "And, whereas and particulary the availability of tax credits to contributors to federal and provincial campaigns but not to municipal campaigns tends to make fund raising even more difficult at the municipal level with the result that municipal campaigns are further downgraded at a time when public interest in municipal campaigns is already low, "Therefore, be it resolved that the Ontario provincial government be petitioned to enact legislation to provide for: (1) limits on the size of donations from a single source, (2) independent verification and publication of the finances of campaigns, and, (3) tax credits to contributors for municipal election campaigns in the province of Ontario, at least in the large urban areas.

"Be it further resolved that the federal government be petitioned to co-operate with the provincial government in this task, with particular reference to the granting of tax credits at the federal level and that copies of this resolution be forwarded to all Members of Parliament."

Mr. Speaker, you can see that my community is concerned with this and, I would say, many other communities, as are many members in the House. There is an action that has to be taken and should be taken so that by the next general election, coming in 1978, some type of legislation providing for limits and controls as well as tax credits should be actually in place.

Another item I wish to raise while I have the opportunity concerns the general elections in the various municipalities. One of the constituents of mine who has been long a studier of municipal politics brought up a novel suggestion which sort of appealed to me, and I would like to bring it to the attention of the House. The name of the individual is James Holden, a well-known barrister and solicitor in my own community. Just as we elect a mayor in a community, the mayoralty being a full time job, he suggests the chairman of the public utilities commission be likewise an elective office. He suggests a person run for the position of chairman of the utilities so that he can devote full time to being the chairman for the two-year period, just exactly as the mayor runs.

He also suggests that in the school board elections the chairman of the school board be elected as chairman and that it be a full-time job for that individual for the two-year term. Naturally, the amount of indemnity paid to the indivdual would have to be commensurate with the responsibilities that he does assume. I think it does make sense. Rather than having the commissioners themselves select who is to be their chairman, and rather than having board members select who they would prefer to see as chairman of the board of education, both separate and public, both county and otherwise, those individuals should run for those public offices.

I know there is one drawback, and that is the financial drawback, because the individual would have to run over a fairly large area and, as a result, it is extremely expensive for the individual to run. But we do that in the mayoralty. I can see some merit in applying exactly that same principle when it comes to utilities commissions and also to boards of education.

The next topic I wish to raise is concerning the price of gas. I'm referring to gas used for home heating purposes. It struck me as very strange that, of all the municipalities in the province of Ontario—and practically everyone is affected in some fashion—only two cities in Ontario are willing to fight Union Gas in its request for added price increases to the consumer. The two cities happen to be the great city of Kitchener and the other great city in the province of Ontario, Windsor. You would think other municipalities would like to fight for their constitutents so that the price of an absolute essential, that is, home-heating gas, be kept in line, especially when it comes to the fact that all have to use it.

Senior citizens who are living on a very fixed income now find themselves at a financial disadvantage because the price of gas has increased, not just to a minor degree but extremely substantially. In fact, in some instances it has more than doubled. For example, a constituent of mine wrote to me just last week. He makes mention: "I am a pensioner and I am not going to plead poverty, but considering that my monthly budget started at $12 and is now increased from $21 to $25, how much can one endure?" He's talking solely about his bills for natural gas for home heating and cooking.

It must also be realized that all natural-gas consumer supplies will increase the prices of goods and services. The gas is not only affecting him simply from the fact that he has to heat his own home, but goods and services are going up. The individual on a fixed income is very adversely affected by the substantial increase in the price of home heating gas. I'm kind of disappointed that municipalities other than the cities of Windsor and Kitchener wouldn't attempt to band together to fight the suggested increases that Union Gas wishes to impose.

From what I understand the increases are going not only for salary increases to the employees but also to the executives who, in my estimation, are paid substantially well. I may be wrong but I don't think I am.

The city of Windsor has a professor by the name of Professor Ted Manzig who's going to handle the city's argument against this increase requested by Union Gas. I understand the hearings are going to last approximately 90 days and they are proceeding, if I'm not mistaken, at the present time.

I would hope that other municipalities could see the light of day exactly as my municipality has and join in an attempt to allow the individual on fixed income, plus the individual on old age security, and the low wage earner some type of relief from the ever-increasing cost of home heating and cooking with gas.

One of the states in the United States, if I'm not mistaken, provides a certificate to those on limited incomes and fixed incomes. They provide them with $75 worth of certificates for $25 and these certificates are to be used solely for paying utilities' bills. I think it's the type of suggestion that possibly the Minister of Community and Social Services (Mr. Taylor) should be looking into in an attempt to alleviate the adverse effects of increases in the costs of home heating, home cooking and other utility needs of those on fixed and limited incomes.

I wanted to mention a suggestion I can recall making in the first year I sat in the House, I think it was. It was that we should be looking at a baby bonus in reverse. When I say baby bonus in reverse I mean when the children take care of their parents rather than placing them in nursing homes. Maybe it should be a grandfather or grandmother bonus.

Hon. B. Stephenson: I suggested this last year.

Mr. B. Newman: Was it last year? That's good. I'm glad to see you're reading my 1960 Hansards. Thank you. That's very nice coming from the Minister of Labour. I hope she can convince her cabinet colleagues that this should be looked into. It would actually be saving us money in the province of Ontario.

Hon. B. Stephenson: Okay.

Mr. B. Newman: There should be some kind of financial assistance to sons and daughters or relatives who take care of their grandparents or great-grandparents in some cases rather than provide nursing home care or other type of domiciliary care for the individual. It would be by far cheaper.

By providing this assistance to the children they could, in many instances, build an extra room or so at the back of their homes. That room could be the same type of unit as many citizens live in now in senior citizens high-rises or in the row housing provided in some communities.

I know in my community, less than half a mile from where I live, there is a series of approximately 20 apartments which are like motels. There is the kitchen, the bathroom, the living-dining room and, in some instances, two bedrooms rather than one.

[4:45]

In this way, if the government allowed the children to put this on the back of their home and assisted them in some manner financially to take care of their parents, we would be saving substantial amounts of money, rather than putting our elderly into nursing-home care or putting them even into some senior citizens high-rise. I find that when we start putting all people of the same age category or the elderly in the one unit, there do develop certain types of problems that would not develop if those adults were living with their children.

It will not hold true in all cases but for those children who would be willing to take over and take care of their own parents, I

think we should look into a pilot project, setting up something so we could maybe look this way and eventually eliminate the building of large senior citizens complexes. We'll always need some, but instead of the proliferation of senior citizens high-rises, we could be accommodating these people quite often with their own families.

There are a lot of senior citizens who can't afford the accommodation. They can't afford the upkeep and can't take care of the accommodation in which they live. I think that by putting them with their children, we might be able to resolve some of the problems. We won't resolve all problems because we know ourselves that some children just don't care for their parents at all once they reach a certain age or even before they reach that certain age. But for those children who would like to be taking care of their parents in this fashion but financially may not be able to do that, there is another way we could look upon this problem and hope to resolve it.

The Central Mortgage and Housing Corporation report states that by far the majority of the poor elderly citizens are happy with their present homes but can't afford to live in them. If those homes were made available to their children and they had some facilities at the back of the home so that they could have at least privacy, because they may not want to be too closely associated with their own children in some fashion, we could have a partial answer to the high cost of housing, to the high cost of nursing home care and to the high cost of taking care of those who have made a real substantial contribution to society, those who have generally gone through two or three world wars, have gone through two depressions, who are too often neglected in society by those who should have taken care of them more tenderly than they have in the past and than they are continuing to take care of them today.

A novel arrangement is being tried out in the state of New York to provide for senior citizens who live in their own homes but are financially pinched for taking care of the homes. The home may be worth a substantial amount of money. They don't want to go into senior citizens' accommodation and they'd like to maintain the home in which they happen to live. They've been in there for years and years and they like the environment, but they financially can't afford to be living there. There is an agreement being made or a plan being devised where a company—it could be a provincial company and it could be a public company—sort of buys the home from the people, paying them a monthly payment as long as they wish that payment to be made. That payment is sort of a lien against the property so that after they pass away or when they decide that they no longer want the home, that company or the state has built an equity in that home and simply has to make that balance of payment.

In the meantime, you have increased the quality of life of the individual by keeping him in an environment in which he has lived for years and in which he is satisfied, you've provided him with a little financial resources to be able to live a little better and you have resolved the problem of building additional accommodations for senior citizens or those on fixed incomes.

I would like to bring to the attention of the House also the handicapped. The Provincial Secretary for Social Development (Mrs. Birch) has received the first annual report of the Ontario Advisory Council on the Physically Handicapped. The report is a very substantial one and contains a lot of good suggestions. I know the provincial secretary will not let this report lie idle; I certainly hope she will implement the report, or portions of it, as quickly as possible. I noted, though, that the report made mention of the select committee on the utilization of schools, where we made mention of the accessibility of the handicapped to schools. I think the recommendations presented by the advisory council are worthy of implementation as quickly as possible.

In the report there is also mention of accessibility of the handicapped to voting facilities. I hope the ministry and the government doesn't take too long in implementing drive-in voting. There is no reason why a handicapped person couldn't be driven by car to a location in the community where the polling could take place; the box would be brought to the person, who would drop the ballot in the box, rather than a handicapped individual having to struggle in a wheelchair or with crutches or with the assistance of others to go inside to vote.

My community is reasonable enough that they recommend the handicapped should vote in the advance poll. In this way they would vote at the city hall where everything is on the ground level. The city itself has actually put up a ramp so that there is a ramp facility for those who are in a wheelchair or those who are handicapped, and they don't have to climb any stairs. I think it's a progressive outlook by my community, and I hope that it will be adopted by others.

I also hope that the handicapped will be handicapped only with their present physical or mental handicap. One wishes they didn't have those handicaps at all, but we shouldn't give them additional handicaps, especially when it comes to the right to vote, by making the voting place inaccessible. I think that can be resolved quite easily, and I hope the government will look at it and will implement the suggestions that have been made—not only those made by myself, but by many other members in this House as well as those who do suffer from handicaps.

Even senior citizens both in their monthly newsletter and in the presentation of their brief to the government of Ontario, have recommended that the right to vote for those who are handicapped be looked into so that the individual with the handicap is not handicapped when it comes to casting a ballot.

During the question period at one time, I can recall raising the issue of accidents on an amusement ride in Bob-Lo, being an island just across from the home of the great member for Essex South (Mr. Mancini), the pride and joy of the town of Amhertsburg.

Mr. Haggerty: Don't overdo it.

Mr. B. Newman: The island is a Canadian island, except it is leased by others; and there is an amusement park on the island. There happened to have been an accident on one of the rides. When it comes to an elevator, every single elvator in a hotel has a little tag or a licence stating that the elevator has been inspected. It is a people mover. Amusement rides are people movers too. They move people around—in a circle, up and down—they spin them around; you name it, they move them in every fashion you could think of.

One would think the least the Ministry of Consumer and Commercial Relations would do would be to require every single people-moving piece of equipment to have a fitness certificate visible to those who are purchasing tickets on those rides. I think it should be a must.

We shouldn't have to ask the minister to come along and follow up on a thing like this. I would think that he himself would automatically be concerned about the safety of our younger people, because it is essentially the younger set who go on these amusement rides—not that the rest of us in this Legislature haven't at some time or other in our present years enjoyed the sensation that accompanies one being spun around in a fashion or turned upside down on one of these amusement rides.

I questioned the minister, as I say, concerning safety in relation to the Bob-Lo Island Park. Unfortunately, there weren't just one or two accidents; there was a series of accidents in the park. Although Bob-Lo Island is a Canadian island, the amusement rides there conform to the Michigan Carnival Ride Safety Code. But no one enforces that code. One would think that that island, a Canadian island, would come under the jurisdiction of the Minister of Consumer and Commercial Relations and that he would require the inspection.

When I brought the accident to his attention and I asked him concerning the ride, he said—and I am quoting from a letter of June 24:

"I had this accident investigated by the technical standards division of my ministry and I am informed that the two employees of the ride owner were injured when they were thrown from the roller coaster during a test run of the equipment."

I asked him for a copy of that investigation report, but I have never been able to get a copy of that. I can only assume that his officials did not investigate the accident because if they had investigated the accident there would have been a report. He could have provided it to me, and I would have been satisfied that the equipment was in good shape. But I wouldn't be satisfied with the fact that there is not some type of sticker or some indication that the ride had been inspected by either his ministry or someone else and that it was found to be safe.

On motion by Mr. B. Newman, the debate was adjourned.

PRIVATE MEMBERS' HOUR:

LEGISLATIVE ASSEMBLY AMENDMENT ACT

Mr. Williams moved second reading of Bill 72, An Act to amend The Legislative Assembly Act.

Mr. Williams: Mr. Speaker, the bill that I place before the Legislature this afternoon for consideration is An Act to amend The Legislative Assembly Act. The purpose of the amending legislation is as stated in the explanatory note, which states that the enactment would require a person who holds office as a member of a council of a municipality and whose term of office is not yet three-quarters expired to resign his office on official nomination day if he wishes to be elected to the assembly.

[5:00]

Mr. Haggerty: He wants two worlds.

Mr. Williams: I would hasten to point out that the explanatory note perhaps is misleading in that it is not complete, because it not only relates to members of an elected council but also to members of local boards as defined in The Municipal Affairs Act. As you well know, Mr. Speaker, this covers a broad spectrum of people involved in serving the public in elective offices because, under The Municipal Affairs Act, "local board" means a school board, public utilities commissions, transportation commission, public library board, board of park management, local boards of health, boards of commissioners of police, planning boards or any other boards, commissions or committees under the jurisdiction of the local council. I wanted to make that point quite clear—that it covers not only members elected to a municipal council but those also who have been elected to positions on local boards.

I think it is understandable and in fact commonplace that elected officials sitting on municipal councils and on local boards are quite often sought out by political parties at the provincial level to run at the time of a provincial election. In fact, quite often the sitting members of the municipal councils or boards will themselves take the initiative and seek the opportunity to have the nomination for a particular riding on behalf of a political party in a provincial election.

It's quite understandable of course, because these are people who by the very nature of their background have gained experience in and understanding of dealing with the public —of serving in the public place, if you will— working with the civil service and with the public at large in solving public issues. It is only appropriate, therefore, that people with this type of experience and background should be sought out or should themselves seek to put this talent and experience to service in a similar setting at the provincial level.

Up until the 1950s I guess, this did not create any great problem because up until then, as we all know, municipal elections were held on an annual basis. So regardless of what period of time during the tenure of office of the sitting municipal member it would not be too long before the term of office to which he or she was elected would have expired in any event.

However the problem has now become much more difficult and complex since there has come into existence the two-year term of council. In fact, for some short period of time up until very recently, there was even a three-year term on council.

There we have, I suggest to you, a very different situation. If a member sitting on council very early in his term of office chooses to seek election to a higher elective office in a provincial election, that is one thing. But if it should be near the expiry of his term, then I think the public would view this decision in an entirely different light.

It may well appear, I might suggest as a side note, that we may return to the three-year term if the report to come down from Mr. Robarts on the review of Metropolitan Toronto government makes such a suggestion. I wouldn't be surprised if indeed that was the case, because I have found from personal experience, as have many others who have served on larger urban municipal councils, that the complexity and size of those municipalities and the responsibilities upon them are such that long-term planning cannot really be accomplished without a longer term of council.

But in any event, whether we remain with the two-year term or go back to a selective three-year term, in either setting it is obvious that in the public's mind the timing of the announced departure of a sitting municipal member for the purpose of running in a provincial election is all-important. I suggest there can be public acceptance or lack of public acceptance, depending on when that announcement is made.

It is quite apparent that the public does resent a candidate running in a provincial election when that person has recently been out garnering its support, asking the voters to elect him to an office at the municipal level, suggesting to them he is the best qualified person who can look after their interests for a specific term over the next two-year period, and that for the reasons he gives in his platform he is deserving of their support at the polls on municipal election day. For that person then to turn around immediately after, having asked for that support, to look in other directions and make himself available to serve in the public sector I think causes a great deal of resentment in the public's mind.

Added to that resentment is the fact that in making that move, should the candidate be successful in being elected to the Legislature, then, of course, the taxpayers find they have to pay directly the cost of that transfer in mid-stream if I might use the term. They have to pay the cost of a by-election to have elected municipal represen-

tatives to replace the one who may have been successfully elected to a higher office.

So these are two very valid and understandable reasons why the public would resent it if a member, sitting on a municipal council or board, made that move particularly early in his term of office.

If I might, Mr. Speaker, I will turn to the most recent provincial election by way of illustration. Before coming to that, however, I might suggest that some candidates use the excuse, or apply the argument, that the only reason they have decided to run after being elected to municipal office is that they didn't realize either that there was an election coming up at the provincial level, or that they would be asked to run as a candidate in the election. I suggest these are arguments that cannot be sustained or justify that candidate's reason for abandoning his responsibilities as an elected municipal representative.

In any event I will, if I might, come to the most recent provincial election to best illustrate the point. If I might be specific, I will relate this to the riding of Oriole, as a Metropolitan Toronto riding located totally within the borough of North York. I'll address myself to what happened in the elections in northern regions of this metropolis as they related to two members of the North York council. I refer specifically to Mayor Mel Lastman and Controller Barbara Greene.

As you may well recall, at that time, Mr. Speaker, the ink on the municipal ballots was barely dry when it was announced by both of these individuals that they were flirting with the idea of renouncing their municipal responsibilities that they had so recently assumed, for the express purpose of becoming candidates in the provincial election. In fact it was within a matter of weeks after they took office in 1974 that they made the official announcement that they were renouncing their municipal responsibilities to undertake the task of running in the provincial election and hopefully becoming members of this Legislature.

I think the public is astute enough to understand political opportunism. But, at the same time, I think the public resents political opportunism if it is going to be directly at public expense. As I indicated a few moments ago, in this type of situation, had members of that council been elected to the provincial Legislature, then, of course, it would have been necessary, at the public expense, to call by-elections in the borough of North York, which had so recently completed going through the election process.

From talking to people from all walks of life throughout the area that I've had experience with, it has become apparent to me that not only is timing most essential and important if there is to be public acceptance of this type of move during one's term of office, but that the resentment that is there in the public's mind because of this change of heart and because of the fact that it will be put to the expense of new elections, is the added insult to injury of the candidate, if unsuccessful, still having his or her cake and eating it too, because the job that he or she so recently was prepared to abandon is sitting there waiting for him or her to return, should they be unsuccessful at the provincial polls.

It was not only in the borough of North York that this happened in the last election, but in fact I believe there were seven other candidates who ran, who at that time were sitting members of municipal councils throughout various sections of this province—Sudbury, Cambridge, Hamilton, Kitchener, Whitby. In fact, it's interesting to note that I think my remarks are borne out as to what the public attitude is in that situation, because without exception all nine of those candidates were very significantly beaten at the polls on election day.

The only exception in that whole setting, in fact, was that one of the candidates, Mr. Newman, who had been mayor of the town of Whitby, saw fit to resign his position before obtaining the nomination and running in the provincial riding in that area. But even having made that decision, it appears that the public was not prepared to accept that change of interest so soon after the municipal election, although I would concede that in that case there may have been local issues that worked against the candidate at that particular time.

In any event, I think the illustrations I have cited could not better indicate the reason and need for this type of legislation, because I think it would make sitting members of councils or boards think twice, and perhaps three or four times, before deciding to renounce that which they have asked the electorate to support them on, which is to give them the opportunity to represent them as their municipal representatives.

So it would give people in that position extra cause for thought and consideration before hastily, and perhaps without due reflection, jumping into that type of situation where obviously political opportunism is rampant.

It is with this consideration in mind that the bill has been put forward to provide that if the person, while a sitting member of a municipal council, has not completed the majority of his or her term of council—and I suggest in the bill it be three-quarters of the term of council, looking at the present two-year system—that person should have to resign the post at the time he or she is given the official nomination to run as a candidate for a particular party.

[5:15]

The reason I have arbitrarily suggested the three-quarter mark in the two-year term is that it would appear inappropriate to necessitate the candidate's resignation when there is somewhat less than six months left to go in the term of the municipal office. It would be inappropriate to necessitate the municipality, again at public expense, to call a by-election. I think the candidate, if unsuccessful, should be allowed to finish off the balance of that term, which would be not more than six months and in fact would bring him within two months of the next set of municipal elections.

If the candidate was successful within the last quarter of the term, of course, a period of two or three months from the time of the nomination when the person resigned to the time that the official election of that candidate was published in the Ontario Gazette would have passed by. Again, we would be very close to the time of another municipal election, so that the people who thought they were without a municipal representative in their ward, or a controller, or a mayor, I think would find that the short time period within which there is a hiatus or lack of representation would be so short as to not create serious problems.

But beyond that quarter period, the six months' period, I suggest difficulties would arise and it would be necessary to embark upon a new by-election to elect those people who have left the municipal scene for service at the provincial level, if they have been successful at the provincial election.

I have outlined the reasons for the amendment—the justification of the amendment, as I see it—and in conclusion I would say that I believe this to be a good bill, and one that I suggest should be adopted unanimously by this Legislature, if for no other reason than to give the voting public one less reason for being cynical of politicians.

Mr. Davidson: Point of privilege, Mr. Speaker.

Mr. Speaker: Point of privilege.

Mr. Davidson: During the course of his remarks, the member for Oriole referred to Cambridge as being one of the municipalities in which a sitting member of the municipal council had sought office as a representative of this House. I would just like to inform the member that that is not true and it may be that he wasn't aware of that. The former mayor of the community sought office, but she was not a sitting member of council at the time.

Mr. Williams: Mr. Speaker, I stand corrected. I was simply going on the basis of a newspaper account that I have before me of the situation.

Mr. Swart: I have to say quite frankly that I'm amazed that this bill has been brought forward apparently with the support of the Conservative caucus. I suggest that to debate this, when there is a private member's bill on that side of the House which would designate agricultural land and retain it for agricultural use, shows that there is either a horrible distortion of priorities or there's a real evasion of the issues of substance by the members on that side of the House. I say that this bill serves no useful purpose—and I think perhaps that's an understatement. I know I speak for my party and I believe I speak for the great majority of the people of this province—and certainly the majority of members of councils in opposing this particular bill.

As the hon. member for Oriole has said, the bill provides that a member automatically will have resigned if he is three-quarters of the way through his term of office when he has been nominated as a candidate to the provincial Legislature. But let me just look at the procedures that this will set in motion. If he is an alderman, a councillor or a school board member, the council may appoint someone from outside at some period of time—there is no time limit on this—and they may, in fact, wait until the election is over and reappoint that same person to the council. Of course, if they don't like that person, they can immediately appoint someone else from the outside to fill his or her term of office.

If he is a mayor, a reeve, a deputy reeve or a controller, then he can't be reappointed. The Act provides they shall appoint a member of council to fill that particular position; if he has resigned, he is no longer a member of council and that mayor or senior person on council or on the board is then out of office for the remainder of the term.

The facts are, of course, that when a member is appointed to fill the mayor's position, we'll say, there is generally public sympathy to give him at least the second term; and the

person who had served before, and perhaps has served well, is out of public office for many years.

From the candidates' point of view, I suggest that this is a real deterrent to a higher elected office, especially if they hold senior positions on the council. If they have proved, by being elected to the senior positions that they have the support of the public, then it acts more as a deterrent for them to want to serve in another position because they know that probably they will be out of that particular office for a long period of time. I suggest that this is a disadvantage. This doesn't promote democracy; nor does it enhance democracy. It deters the whole democratic process if we persuade those people by legislation that they shouldn't run for a higher office. Also, it may mean a re-election if the council decides to call an election to fill an office; and it means additional money to that candidate who has to run.

From the public's point of view—and I think this is perhaps more important than the candidates' point of view—it unnecessarily removes a candidate who has been elected by them. I think the arguments which have been put forward by the member for Oriole, if anything, are really in opposition to the principle of the bill which he proposes. They simply mean that some of the candidates who have been elected will be put out of office and will not be able to continue to serve even in the office to which they were elected.

It doesn't really stop members from running for higher office. It may deter some of them, but it won't stop the majority from running for higher office. What it means is that those who are defeated, but had been elected to the lower office perhaps by a very high majority, will not be able to continue to serve out their terms. As a result we are going to lose those people. We're not saving them by this method; we're going to lose them from the public service.

It may move someone into a very senior position whom the public doesn't want. The council will have to decide who it is going to appoint as mayor. The public won't be able to select that person. Even if the mayor is defeated in the provincial election for which he runs, then another person will have to be appointed mayor, not elected by the people but appointed, and it may be someone they wouldn't select as their mayor. Once again, the bill is inhibiting the true democratic process. Further if the council decides to hold elections it may cost a considerable amount of money to the taxpayers of that municipality.

I suggest there are some specific examples which show how impractical this proposal is. I'd use my own example. I was on municipal council for 21 years. On five occasions, three of them as head of my municipality, I would have been removed from council by this bill. The member for Oriole may think that would be good and there might be some others on his side who would agree with him.

Mr. Warner: The people of Thorold would not.

Mr. Angus: It's a plot against the member.

Hon. B. Stephenson: A great thing for the municipality. The milk of human kindness doesn't run in your veins.

Mr. Swart: I also want to point out, so that there can be no doubt about this, that my example in the last election perhaps is the best example. Three members of regional council ran for election in the Welland riding —it was Welland riding at that time, not Welland-Thorold. I was a member of regional council. The Liberal candidate, Lola Lemelin, was a member of regional council for the city of Welland; I represented Thorold; and the mayor of Welland, who was also on regional council, ran as the candidate for the Conservative Party.

The regional council member for Welland would now not be in office and wouldn't have been able to continue in office. The mayor of Welland would not have been able to have continued in office for the past 15 months.

The member for Oriole may or may not know the mayor of Welland. He might like to have him removed as the mayor of Welland, but I wouldn't. I would suggest that he does a commendable job as mayor of Welland. The people put him there and I think he had the right to continue in office. He had the right, if he so wished, to run for a higher office and he had the right to continue in the office to which he was elected if he did not make that higher office. I would suggest to the member for Oriole that he should talk to the mayor of Welland, to tell him and tell the people of Welland that they really have had no right during the last 15 months to have him as the mayor of Welland.

I know that this Legislature a number of years ago passed a bill, largely for the purpose of disciplining one of their own members —which prohibited a member, after being elected to the legislative assembly, from carrying on in municipal government. I'm referring to a government member. Many members may not know that he is even in this House; he is the former mayor of St. Catharines who now sits as a back-bencher.

But that is a very different situation. They are elected to a higher office. There can then be conflicts of interest between the two offices; therefore, there's justification for only holding the one office. But here, this bill is saying that that man should not be able to continue to serve any office if he is not elected to the higher office.

Mr. Speaker, the other member from our party who is speaking is not going to take quite the 10 minutes. I will wind up in just a moment.

Mr. Speaker: That aside, the member's time has expired.

Mr. Swart: Let me conclude in two sentences.

Mr. Mancini: Have him sit down, Mr. Speaker.

Mr. Swart: The member is trying to take a democratic right away from the voters. If a person wants to run for higher office and is successful, the voters accept his resignation. But he wants to tell the voters that if he's not successful they can no longer have him, that they may have to accept someone in his place whom they've decidedly rejected.

Mr. Speaker: Thank you. I think the hon. member will have to finish.

Mr. Swart: By this bill, he is not benefiting candidates and he is not benefiting the public. Somehow or other, I say it's just self-serving some eccentricity—

Mr. Mancini: You are self-serving.

Mr. Givens: I thoroughly agree with the member for Oriole and I thoroughly disagree with the member for Welland-Thorold on this bill.

Hon. B. Stephenson: Good for you.

Mr. Givens: I speak very feelingly about this subject because of my experience of 25 years in political life.

Mr. Angus: They were over when you got here.

[5:30]

Mr. Givens: I guess I'm the only Canadian today who has been the mayor of a big city and who has served at every level of government—municipal, metro, federal and provincial. I have done so without using any political office as a springboard, or using the salary of any political office for the purposes of a springboard, to elevate myself to higher office. Indeed, when I sought a seat in this Legislature when I was a member of the federal House of Commons I resigned my seat in the federal House of Commons—and it was a relatively secure seat in York West—for the purpose of seeking election in this provincial Legislature.

Mr. Swart: You may get another member over there yet.

Mr. Givens: I believe the electoral process should be open to all, that it should be fair to all, that nobody should enjoy a special advantage in seeking office and that nobody should suffer disadvantages and the rules of fair play should apply, like in sports, for instance. But in politics we permit certain people to get away with terribly unfair advantages.

I say that when a person holds municipal political office in any municipality, he has committed himself to a contract for two years. For the people who are running for municipal office now, they know in running for political office now that they're committing themselves to a trust, to a contract for two years.

You don't have to be a brilliant political scientist to figure out that within the next two years—probably next spring or next fall—there will be a provincial election. Those who are running for municipal office now know that there will be a provincial election and those of them who are thinking in terms of running for provincial office are scheming now, with malice aforethought, to use their municipal office and their municipal salaries as a springboard to get into this provincial Legislature. I say that that is wrong. It is a breach of trust.

This inspires cynicism in the minds of the electorate. It is a breach of trust for them to seek municipal office if they intend to run next spring for this provincial Legislature. It is a misappropriation of public funds to use $25,000 or $30,000 salaries for the purpose of seeking office next spring to run for this provincial Legislature. I say it is absolutely wrong for them to do so when they know that there will be a provincial election.

If they want to seek provincial office, let them stay out of the running in the municipal election, seeking public favour now and public votes, telling people they will serve them municipally to lower the tax rate and do this and that and the other thing, to seek political office now municipally and then to let these people down drastically in a very shamefaced way next spring or next fall by

running for provincial office. I say it is wrong to do so, it is a breach of faith, and it is a misappropriation of funds and it's unfair competition.

Mr. Angus: That's what it is.

Mr. Givens: Now there is nothing to stop the mayor of North York or the mayor of any borough from running for provincial office. He can either refrain from running as mayor now or he can do so six months from now, but on the day he's nominated for public office he should be man enough or woman enough to resign and put his head on the block and say, "I am resigning because I believe I can be of greater service provincially. I have had a revelation from heaven; I believe I'm being called to a higher duty. I'm prepared to offer myself to the public for higher duty on this basis and I seek an out from the contract I have made with you where I have pledged my troth to the public to serve you municipally and I'm now seeking your vote to be elected to the legislative assembly of the province of Ontario."

Look at the position that he or she is in —the one who is getting himself a $30,000 or $35,000 salary while being the mayor of a borough and serving on Metro at the same time. He's not running in his spare time; this is a full-time job now. It's a "Heads I win, tails you lose" proposition. If he wins, he gets elected here; if he loses, he retains his job.

When the member for Welland-Thorold says, "Ah, but you will retain his miraculous and wonderful and marvellous services as a politician as the mayor of Welland or the mayor of Timbuktu," I tell you, by this time he has besmirched himself and he has sullied his robes of office because he has shown that he has a split personality—I question his loyalty to serve his municipality thereafter, because he has shown that he really doesn't want to serve the public in that capacity and that he has cheated the people he promised to represent by being elected to the municipal office, because he intends to run out on them at the first opportunity that he gets at he next provincial election, and I say that is wrong.

Consequently, when people say to me, "You will never get anybody to run. You'll never get these prize prima donnas from municipal councils to run for public office, for higher office," I say, "You will never get an outsider to run. You'll never get anybody to compete with these people, to compete with them when they sit in public municipal office being paid these salaries and using these as a springboard for the purpose of running for provincial office." I think it's highly unfair for me to have been in the position that I was in, to have to run against the mayor of the borough of North York, against his salary and his position the last time the way I did.

All right, I beat him, but that's irrelevant and immaterial. I say it's against public policy for a person to be in that position and if he wants to run for public office and he wants to improve himself or he wants to elevate himself from the position he's in, I say fine. Let him do so. There's nothing that detracts from his position of eminence as a politician and as a public figure, but when the nomination day rolls around two weeks before the election, let him divest himself of that grandeur; but above all let him divest himself of the raiments of office and of the magnificent salary that he gets and put himself down to the position of the ordinary mortal candidate like everybody else is when he runs for public office, and let it be a fair and even-Steven race—

Mr. Angus: That's what it is.

Mr. Givens: —with nobody having any advantage over anybody else. This is why I support the principle of Bill 72. As far as the second part of Bill 72 is concerned, I was under the understanding that we had passed an amendment here—and hon. members may remind me—about 1½ years ago where we agreed that any municipal person who runs for public office and gets elected has to resign his municipal office whether he's on three-quarters of a term or not. So actually, in a sense, I think this second part, with great respect, is irrelevant at this time.

Mr. Angus: Irrespective too.

Mr. Givens: I support this bill because I agree with the hon. member for Oriole that this breeds cynicism on the part of the electorate because the electorate sits back and says, "You see this guy, he's been conning me all along. He didn't mean to serve me as a municipal representative. He didn't have my best interests at heart. He didn't mean what he said when he made all these promises and he sent out that fancy literature promising me he was going to look after my tax rates and my curbs and my potholes, he was promoting himself and his own best interests. He was a climber, and he was climbing on my back. I say that is wrong in principle and it should be prohibited by law.

Mr. Drea: Mr. Speaker, I rise in support of this bill. I think the previous speaker has outlined a great many of the reasons and I don't intend to repeat them. I think, incidentally, that he understates some of the things that are being done to the voter by the municipal incumbent who decides that he is going to increase his aldermanic or his other pays and move up a step. The most important political office in this province, when it comes to its impact upon people, is at the municipal level. There is very little we can do, or our federal counterparts can do, in terms of legislation or regulation that will really compare in any degree to what can be accomplished with a single stroke of the pen by a local councillor, because after all at that stage votes are decided on the hands in the air or upon the ayes and the nays. They are not decided upon political party standings.

Many a fine neighbourhood in this province, in communities large and small, has been ruined by the inattention or the deliberate design of certain municipal councils. Today, as never before, people are taking a look at the candidates offering themselves for municipal office. In previous years they concentrated their attention upon those seeking office to the federal House or to the provincial assembly.

Now is not the time to allow municipal councils to be occupied by gadflies, promoters and those who quite frankly are using their municipal office to attract attention and then immediately leaping into the provincial fray, because indeed it is a "Heads I win, tails you lose" proposition, because at the municipal council, whether he or she is the mayor or on the board of control or right on down, and on the school board and on all the rest of the local boards, the public utilities commission, the planning board, all these are included in the scope of this Act, and when they decide to seek office it's a nice easy run, because if they don't win they continue on with their salary. Nothing ventured, nothing gained. If they win, the municipality is put to two tests, both of them expensive and time consuming: One, they can appoint; or two they have to have a by-election, and by-elections cost a great deal of money.

Mr. Swart: You are going to force them out of office and have a by-election.

Mr. Drea: They don't have much interest in the office, my friend, because they stand up and say: "Notwithstanding the fact that I have been elected; that I stood on a platform and I said I will be here for two years." The first time a money proposition comes along: "Oh boy, here I go." If that's the kind of municipal councillor you want, then the municipality is better off without he or she and so is the province of Ontario.

Mr. Swart: Do you look on your job here as a money proposition?

Mr. Drea: When you talk about a municipal councillor being removed or being prevented from holding office by the principle of this bill, nobody drafts you to run for office. They don't come down and put a number on you. You made your own decision. Besides, if you are competent and you win you are out, you have to quit. Incidentally, the legislation was not over the former mayor of St. Catharines. The legislation was done in my time in this Legislature. It was about three years ago and it specifically talked about aldermen, school board people, et cetera.

It was designed to do one thing. It was to prevent people from holding dual office in the most interlocking of all political structures in this country, because the municipality is the creature of the province and here was a person acting on behalf of the municipality this day and being part of the decision making process at the higher level the next. It was felt that the time had come when the voter was entitled to a clear, concise and definitive statement of intention.

Mr. Swart: This forces them to hold no office.

Mr. Drea: Nobody is forcing anybody to do anything in this. While there may be people in this assembly who have over the years obtained their campaign funds and their public attention and notoriety from serving in municipal causes, while taking a great number of flyers, I suggest that as a municipal voter I am not at all interested in a municipal candidate who lies to me, who stands up on a platform and says "Elect me, here is my platform." I don't care whether he is running for the separate school board, the public utilities commission, the public school board, for aldermen, for controller, for mayor. Implicit in his or her campaign is, "If elected, I will serve." I have never met a candidate yet who stood on a platform and said; "I am doing it as a joke. Elect me and I will never show up." He obviously is not elected.

[5:45]

The point is they are soliciting votes from the public under false pretences. If it was a businessman we would put the businessman in jail. If it was a labour union we would decertify the labour union on the basis of the representations that were made. In fact, if it

was a banker who did this we would probably put him in jail. And yet we allow a municipal candidate to stand there and to lie to the voter—to say, "Elect me, here is what I am going to do," and then, two or three months later, "I have the call, I can do it all in Queen's Park." The only reason they can do it all in Queen's Park is the salary is better in most cases and it is a four-year term. That is why they want to do it better.

Mr. Swart: That is your attitude.

Mr. Speaker: Order, please. The hon. member had his turn to speak.

Mr. Drea: As a man who has had the longest losing streak in Canadian politics until he suddenly got lucky, I don't think I would point at me.

Interjections.

Mr. Drea: Throw yourself out.

There is a fundamental issue here. You are either going to have honesty and integrity in political life—and that means that even if you want to lie on the platform, there are going to be strictures against you coming out with the culmination of that lie.

This bill wouldn't preclude anyone from running for public office. All it would say is, "You must make a full and a frank disclosure. You must resign. You go into it on the basis of equal opportunities." I would oppose the principle of this bill if it said "from the date that one announces." It doesn't even go that far. It says from nomination day. In the case of the provincial election that is a very small amount of time.

Mr. Givens: Two weeks.

Mr. Drea: That is all it is. I don't think it should inhibit a person who is on a municipal council who does receive the call. I don't think it should inhibit them at all. If they feel so deeply and they have received such a magnificent and such a clear call from somewhere, from below or from within or from above, then surely they are prepared to shed, perhaps not the most important commodity, their blood, but their pocket book, on behalf of such an imminent challenge.

I suggest to you Mr. Speaker, that all that is left in municipalities unless this is done are losers. If they win they are out. They have to resign before they can come in here and be sworn in. I suggest that where people are elected to these offices and then immediately cast their ambitions around for something else that will relieve them from their obligation does indeed only produce more cynicism at the level of politics where more honesty is really the only answer to the apathy that will affect us all a week from today.

Mr. Angus: I have been very interested in the remarks that have been made by the Conservative members of this House and the Liberal member, and I must say that the remarks astound me.

Mr. Speaker: May I just point out before the hon. member starts that there is an indication of another member wishing to speak. You are entitled to 10 minutes, but if you wish to divide it I am sure it will be appreciated.

Mr. Angus: Thank you, Mr. Speaker, I will try to do my best. If you could give me a nod or two at five minutes I may hit the timing.

One of the things that bothers me about this bill is the fact that we have so many excellent people on our municipal councils, school boards—what have you—all across the province of Ontario who are there, not for money, because God knows they don't make too much doing those responsibilities. Some of the boards don't pay anything, let alone the meager $6,000 salary the councillors of the city of Thunder Bay get, for instance.

I think the suggestion that has been made in this House that some of the individuals there are just there for the money is irresponsible, and it's a slap at every municipal councillor in this province. I think they deserve an apology for that. In terms of the ability of these people—that, again, they're just there for the money—I'll grant you that there are councillors and there are councillors. Some are better than others, some are worse than others. I think, with all due respect, the same can be applied to this House here. The same can be applied to every Legislature in Canada and the federal House; we are all different, we're different human beings.

An alderman does not control when this House decides to call an election. Some of us aren't too sure who does control that. They are prepared to give a commitment to their municipality, they're prepared to go for two years if that be the term. But let me suggest to the members here that there are a lot of other things that they should take into consideration.

The majority of aldermen in this province are working people, whether it be in a profession or a union or what have you, and

they don't necessarily control their work situation. Possibly because of job transfer they're required to resign mid-term. Things are not static. It's not a contract that says you must be a member of this city council from January 1, 1977, to December 31, 1979. It doesn't work that way.

Comment has been made about the unfair competition given over by a sitting member of a council. Let me say one thing, the two individuals that I ran against in the last provincial election—and I should point out that I was a municipal employee on a leave of absence at the time—one was an alderman and the other was a sitting member. We can say all sorts of other things, but the fact is that I'm here and neither of them is and that says a certain fact about the competition.

Mr. Hodgson: It will be a short stay.

Mr. Angus: Time will tell; time will tell. The reality is that people look at the individual and, sure enough, a lot of individuals' names are more in the public attention than other ones. I wouldn't believe what the member for Armourdale was saying, because I heard about him in the papers in Thunder Bay long before I became involved in politics. He was a name, and if he thinks that didn't help him get elected to this House or to council or to the federal House, then he'd better rethink his position, because that's not the way it happens. When one has a name, people recognize him. It's up to the opposition individual, whoever one is running against, to prove that one is a better person. I think discriminating against sitting council members, or board members or what have you, is unfair and it is discriminatory.

As for the comment—and I'll do this very quickly—regarding cynicism, let me say every voter in Ontario knows a con job, more so at the municipal level than at the provincial level. They can see through the antics of some of the municipal politicians who may be a little bit more hungry for other sorts of things, but they can see it and the votes don't necessarily transfer from municipal to provincial to federal, what have you.

I would just like to point out that outside of the Metro area the majority of councillors, in fact, even some of the mayors, are part time. We don't have high salaries out there, we don't have the people who are doing it full-time, even though a lot of them would like to do it and do a good job at it.

If I may conclude, I am against this bill. In fact, it reminds me of the fight we've been pushing, to provide employees in any field, even insurance agencies, have the right to leave of absence so they could not only run but they could be elected to the provincial House or to the federal House, so they have some job security and at such time as they may be defeated or retired, they have an occupation to go back to. I compare this to that request of ours. I would just like to reiterate that, like my colleague, I am against this bill and I would hope—well, I know it won't come to a vote, so I don't have to worry.

Mr. Stong: During the last provincial election, my Conservative opponent was a very popular mayor of one of the towns in my riding. After the election, the paper in that riding wrote an editorial indicating that Queen's Park's loss was the town of Markham's gain and sang his praises. Despite the very eloquent and very compelling arguments used by the member for Armourdale, I have one very great concern arising out of this proposed legislation; that is that we as members at Queen's Park may be perceived as passing legislation protecting our own self-interest or protecting an incumbent against competition.

At a time when we are over-regulated, this further attempt could be seen to be restricting the democratic process, taking away from the electorate and from the mind of the people and determining the mind of the people by legislation. If the candidate is good and has proven himself at one level of government, why should he be legislated out of existence for candidacy at another level?

We must never overlook the sophistication and the intelligence of the electorate. In the post-Watergate era, we are just beginning to feel the effect of the lessons learned in that episode. The electorate is extremely demanding of its representatives, and so it should be. Our constituents also demand absolute honesty and integrity, and they deserve no less.

Watergate has applied once and for all to politics an old legal maxim which would read: "Not only must a politician be beyond reproach, but he must appear to be beyond reproach." Opportunism, in any individual, can in some circumstances be one of those reproachable instances. The informed electorate will tell such a person at the appropriate time, such as December 6, whether he or she is simply an opportunist seeking merely personal gratification or whether such

a person is a good person with the best interest of the people at heart.

Let us not insult the intelligence of the electorate, no matter what our own personal motivations may be. In fact, the municipally-proven candidate may be best suited for the job in the assembly, and if not his constituents will tell him so at the appropriate time.

Mr. Speaker: This order is discharged from the order paper.

Hon. Mr. Welch: Before moving the adjournment of the House, may I remind the members that tomorrow we will turn to the second order and consider in committee of the whole House Bills 149, 150, 151, 152 and 153. Following that we will go into committee of supply to consider supplementary estimates in the order agreed upon by the critics.

On motion by Hon. Mr. Welch, the House adjourned at 6 p.m.

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No. 125



Legislature of Ontario Debates

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Third Session of the 30th Parliament

Tuesday, November 30, 1976

Afternoon Session

Speaker: Honourable Russell Daniel Rowe
Clerk: Roderick Lewis, QC

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LEGISLATURE OF ONTARIO

TUESDAY, NOVEMBER 30, 1976

The House met at 2 p.m.

Prayers.

Mr. Speaker: Statements by the ministry.

Hon. J. R. Smith: Mr. Speaker—

Mr. Conway: Stand up, John.

Mr. Speaker: All right. We'll hear the Minister of Correctional Services. Thank you.

Mr. Conway: Stand up.

Hon. Mr. Rhodes: He is going to stay seated, he is tired of standing up.

Mr. Conway: Stand up.

Hon. Mr. Rhodes: One thing about it, he's able to stand up anyway.

Hon. J. R. Smith: Put on your glasses.

DEATHS OF MINISTRY WARDS

Hon. J. R. Smith: Mr. Speaker, I'm replying to two questions from the hon. member for Peterborough (Ms. Sandeman), one of which appears as question 173 on the order paper and the other was a verbal question asked in this House on November 29.

There were no deaths of wards occurring in a training school during the two fiscal years. All these young people were resident in the community and many of them on placement in their own homes at the time of their deaths.

On the average, these young people had been living in the community for approximately 17 months prior to their deaths, with one youth having been on placement in his own home for a 4½-year period prior to his death.

During the fiscal year ending March 31, 1975, a total of 10 wards—nine boys and one girl—died while on placement in the community in their own homes, foster homes, or under other living arrangements. One of the wards was 14, seven were 16, and two were 17 years old.

The 10 deaths included four auto accidents, a shooting accident, three suicides, one drowning and one drug overdose.

Mr. Lewis: Three suicides?

Hon. J. R. Smith: In all cases the coroner investigated the circumstances of these deaths to determine whether an inquest should be held. In one case, an inquest was mandatory because the suicide occurred in a police cell and an inquest was conducted.

The following is a brief summary drawn from our files and the coroner's investigation statements:

Four of the 16-year-olds died in auto accidents. One of these youths had been placed in his own home four years prior to his death. Another of the youths killed in an auto accident had been living in the community for approximately a year prior to his death. The third 16-year-old died as a result of injuries when the car he was driving spun out of control. He had been living in his own home for three months prior to his death. The other victim of injuries in an automobile accident had been living in his own home for nine months prior to his death.

One 17-year-old was killed in a shooting accident in British Columbia where he was visiting friends. He had been on placement to relatives for one year prior to the accident.

A 14-year-old died from suicide by asphyxiation and hanging in his parents' home where he had been on placement for approximately one year.

A 16-year-old youth died of a self-inflicted gunshot wound to the head which occurred after consuming alcohol in his parents' home where he had been placed six months previously.

A 16-year-old boy died of asphyxiation after hanging himself in a police cell. This youth had been placed in his own home 20 months prior to his death. He had appeared before the adult courts on charges of theft and possession of drugs and this resulted in his arrest and detention in the police cell.

The ninth was a 17-year-old girl who drowned when she and other passengers were leaping back and forth between two moving boats. She had been residing in the community for 3½ years, initially in a foster home and for the last two years in her own home.

The tenth was a 16-year-old boy who was found dead in his family's apartment as the result of a drug overdose. He had been residing at home for one year prior to his death.

POINT OF ORDER

Mr. Singer: Mr. Speaker, on a point of order. A few days ago you asked my colleague, the member for Ottawa East, to withdraw certain remarks that he had made. He refused and you subsequently named him and he was compelled to leave the House.

Subsequent to that, I asked you to explain, if you would, the implications of certain of our standing orders. The subsequent day—and I believe that was last Friday—you did.

I am a little puzzled by the way these matters are applied, because when I was here yesterday I heard certain remarks made by the Premier, and I have since consulted Hansard, and the Premier is quoted as having said in the House, addressed to the hon. Leader of the Opposition: "And it is totally irresponsible of you, misleading to the House and to the public, to create any other impression."

I would like, if I could, to understand the difference in the comments made by my colleague from Ottawa East and those made by the Premier, and why there wasn't—as would appear to me logical—a similar ruling directed to the Premier when he made his remarks yesterday?

Mr. Speaker: I must say to the hon. member that I did not notice that, I'm sorry.

Mr. Bain: I did.

Mr. Speaker: Order, please. A point of order must be raised at the time. I will study the situation, however, and if it requires further comment I will certainly make it.

POINT OF PRIVILEGE

Hon. Mrs. Birch: On a point of personal privilege, Mr. Speaker, yesterday the member for Peterborough asked me whether last summer the staff of the Ministry of Correctional Services had told me of the deaths of nine children who were wards of the ministry. I responded, quite correctly, the staff had not told me of the deaths at that time and I referred subsequent questions from the member to the Minister of Correctional Services.

Today's Toronto Star has an article noting that the Peterborough member was upset that I wasn't aware of the deaths. I would like to correct that mistaken impression because I was made aware of the deaths by my colleague, the Minister of Correctional Services, some time this fall. I've forgotten the exact date. As I told the Legislature yesterday, the staff did not raise the matter during any of my visits to the provincial institutions.

DEATHS OF MINISTRY WARDS

Hon. J. R. Smith: Does the hon. member wish me to read the statement as well for the second year's deaths? It is lengthy.

Mr. Lewis: Go ahead.

Hon. J. R. Smith: This is April 1, 1975, to March 31, 1976. During the fiscal year ending March 31, 1976, a total of nine wards of the ministry died while residing in the community, in their homes, foster homes or under other arrangements. The nine wards whose deaths were recorded during this year were all boys. One of them was a 15-year-old, three were 16 years of age, and five were 17 years old.

The nine deaths include two drownings, one homicide, two automobile accidents, two cases of asphyxia, one train accident, and one boy hanged himself on his parents' farm. In all cases the coroner investigated the circumstances of these deaths to determine whether an inquest should be held. In one case an inquest was conducted. The following is a summary of the tragic deaths:

One 16-year-old boy drowned when he fell from a canoe shortly after midnight while he and several other youths had gone to a provincial park camping area to disturb campers. This youth had been on placement to his own home for nine months prior to his death.

A 17-year-old youth, who had been back in his own parents' home on placement for four and a half years, drowned while on a camping trip with his father.

A 17-year-old youth was found dead of a gunshot wound to his head and this was deemed a homicide by the investigating police. This youth was self-supporting and employed and had been living in the community for 10 months prior to his death.

A 16-year-old youth died as a result of injuries sustained in an automobile accident. He had been a passenger in the car. He had been placed in his own home approximately one year and three months prior to his death.

The other death in an automobile accident occurred when a 17-year-old ward who was the driver of the car fell asleep at the wheel and the automobile struck a rock cliff, killing him and a passenger in the car. This youth

had been living in the community for six months prior to the automobile accident.

One 17-year-old youth died of accidental asphyxia through a combination of intoxication and sniffing of a substance approximately one year after being returned to the community.

A 15-year-old youth came to his death due to the aspiration of vomit brought about by an overdose of the drug methaqualone and alcohol. This youth had been returned to his own home nine months prior to his death.

A 16-year-old youth was hit by a train and died three months later of injuries which he sustained. He had been charged in adult court and remanded to the House of Concord from which he went AWOL at the time of his accident.

The last one was a 17-year-old youth who hanged himself in a barn on the family farm. He had been returned to his own home over two and a half years prior to his death.

OHTB BUS LICENCE

Hon. Mr. Snow: Today I would like to table three certificates of necessity and convenience issued by the Ontario Highway Transport Board pertaining to the board's carefully-considered decision to grant operating rights over the Toronto-Sudbury, Toronto-Orillia and Toronto-Buffalo bus routes and an extraprovincial operating licence to permit direct service between Toronto and the provinces of Manitoba, Saskatchewan, Alberta and British Columbia. Included with the certificates will be the carefully thought-out and documented reasons why the members of the board reached the decision they did.

[2:15]

Briefly, the OHTB has certified that in the public's best interests Stock Brothers Bus Lines of Markham be granted a licence for the carriage of passengers, their baggage and express shipments between Orillia, Barrie and Metro Toronto and vice versa, provided there is no pickup or discharge of passengers between the southerly limits of Barrie and Metro. In short, it will be an express run between Barrie and Toronto.

The second certificate permits Eastern Canadian Greyhound Lines to operate an express run between Metro Toronto and the Niagara frontier crossing points, such points being the Queenston-Lewiston Bridge, the Rainbow Bridge at Niagara Falls and the Fort Erie Bridge. These trips are not to exceed five daily in the summer or four per day in the winter. At the same time, Greyhound must continue current pool operations with Gray Coach Lines.

The final certificates permit Greyhound of Canada to carry passengers, their baggage and express freight between Sudbury and Toronto, provided there is no pickup or discharge of passengers between Metro Toronto and the southerly limits of the regional municipality of Sudbury and vice versa, plus the extraprovincial rights mentioned previously.

As I noted, under chairman E. J. Shoniker the board reached its decision after a lengthy hearing which included the testimony of some 70 public witnesses. Mr. Shoniker and his board members were realistically aware that Gray Coach Lines, one of the province's major interurban carriers, operates similar services over the same routes. I said "similar" because I believe that's an honest definition. For example, Gray Coach does not offer a direct run other than its ultra-special hostess express service between Sudbury and Metro Toronto. Passengers in-bound from west of Sudbury are currently forced to change at Sudbury and that means changing their baggage as well. On this matter, Mr. Shoniker himself noted that, despite the fact that Gray Coach has been aware of Eastern Greyhound's application since November, 1975, it did not initiate a direct regular-charge Toronto-to-Sudbury operation.

Allow me to quote briefly from the testimony of some of the 70 public witnesses who commented under oath during the time of the applications for the certificates. The majority, regular users of buses as a mode of travel, expressed concern over problems resulting from being forced to change buses; problems resulting from multiple stops; and problems resulting from a lack of frequent service in sparsely populated areas where the public, particularly the elderly, have to travel to other communities for medical services.

One witness, Mrs. Annette Moore, spoke of the inconvenience of mothers travelling with children, then being forced to handle their own luggage from one bus to another. An elderly gentleman complained bitterly of having to get off one bus and stand in line with new passengers to get a seat for the remainder of his trip. One woman, Mrs. Mary Rickaby, was told by counsel for Gray Coach that if she didn't like the delays in bus transit and the problems inherent in changing buses, then she should fly to her destination. The good lady replied: "I cannot afford to fly."

Mr. Nixon: You would almost think he worked for the government.

Hon. Mr. Rhodes: Otto Lang's department.

Hon. Mr. Snow: There are others—the inconvenience of being forced to make trips at only Gray Coach's convenience and tales of lost luggage and the uncertainty of arrival times at the Niagara frontier because of lengthy intermediate stops.

Basically the board feels that, on the evidence presented, the public's interest should come first, and that good competition can underline and reinforce this opinion. I agree wholeheartedly. The board, again on the evidence, recognized too that there are serious deficiencies in the current service offered on the routes. It also found that Gray Coach Lines has not been fully aware of the unsatisfactory conditions arising from the transfer of passengers and their luggage at the terminal points in question.

Finally, I can tell this House that I have thoroughly and in good conscience reviewed the reasons for the board's decision and I am, therefore, approving all three certificates as they were recommended by the Ontario Highway Transport Board.

Mr. Speaker: Oral questions.

DEATHS OF MINISTRY WARDS

Mr. Lewis: First, to the Minister of Correctional Services: Can he indicate to the Legislature the nature of the supervisory aftercare follow-up provided by his ministry in terms of the 19 individual cases which he recited to the House where death occurred outside the training schools but still within the wardship of the Ministry of Correctional Services?

Hon. J. R. Smith: Our ministry is having an increasing emphasis on aftercare for all juveniles under our care. In fact, some of the schools, particularly Kawartha Lakes School in Lindsay, have a prime worker programme where a prime worker is associated with a student and goes out into the community to help him. It varies in the community where the child is residing. If an aftercare worker feels there is a problem, it might well be three or four times a week or it could be on a daily basis. If the youngsters are placed in their home and reasonably satisfactory progress seems to be being made, there wouldn't be that intense a follow-up.

I would just like to say to the Leader of the Opposition some of these deaths occurred many months, in fact, some of them years after a child was in the training school. But there is a very intensive aftercare follow-up in trying to have the youngster adjust either in his home setting or a community environment.

Mr. Lewis: May I ask by way of supplementary, admitting the passage of time, if I am right in believing that these children were still formally wards of the ministry, has it occurred to the minister to ask for a pattern of follow-up in each individual case? Would it be possible for him to share with the Legislature the nature of the ministry's intervention subsequent to departure from training school?

Hon. J. R. Smith: I know all members must be very grieved to know of this. It was discussed during the estimates of my ministry last year. I am grieved too to think that these occurrences have taken place. It will take a great deal of research and field work with the regional offices but I will be only too pleased to supply the hon. members with that information.

Mrs. Campbell: Supplementary: Would the minister include in his report to the House in each of these cases the caseload of the after-care officers?

Hon. J. R. Smith: I would be pleased to.

OHTB BUS LICENCE

Mr. Lewis: I have a question of the Minister of Transportation and Communications about his statement today: If I can be permitted to understand one part of it, was Gray Coach ever requested to provide specific services which are now going to be provided by Greyhound in the absence of this particular Gray Coach route?

Hon. Mr. Snow: To my knowledge, there was no request from my office for them to make any adjustment to their service. I don't know whether there was any request from the general public for an improvement in service or a through service, or from the municipalities in northwestern Ontario.

Certainly from the telegrams I have received, many of which I read into the record yesterday, there was a great deal of support for this approved service from almost every municipality along the North Shore. In fact, I have more today that I could read but I will not take the time of the House. The mayor of Sault Ste. Marie, for instance, and the reeve of the township of Marathon have

sent rather lengthy telegrams to me in support of the granting of the service.

Mr. Lewis: Supplementary: Since Gray Coach is such an excellent public carrier, why would it not occur to the government to attempt to extend its activities into other areas of the province? Speaking directly to the minister's answer, now that he has telegrams from groups like local 113 of the ATU, representing nearly 7,000 people—

Mr. Breithaupt: You are suddenly involved now.

Mr. Lewis: —in this municipal area, and since it is clear that upwards of 240 jobs may be lost by virtue of the transfer, why is the minister not prepared to meet with those who wish to make specific representations to oppose what the board has required?

Hon. Mr. Snow: I presume the Leader of the Opposition is referring to a telegram—

Mr. Breithaupt: Yes, why don't you read that one?

Hon. Mr. Snow: I just got it yesterday afternoon, as a matter of fact.

Mr. Lewis: Read it now.

Hon. Mr. Snow: It's from Mr. Moynehan—

Mr. Speaker: Order, please.

Hon. Mr. Snow: It actually was a telegram—

Mr. Breithaupt: It is one Greyhound didn't pay for, I presume.

Hon. Mr. Snow: It is a telegram that I believe was sent to the Premier, not to myself—

Mr. Lewis: No, it was addressed to you as of yesterday.

Hon. Mr. Snow: It may have been, but it was requesting a meeting. As I recall the telegram—I do not have it with me—it was not in opposition but was requesting a meeting to discuss the matter.

Mr. Lewis: On a point of order. It didn't say, "We oppose." But it did say "we want to meet with you to explain the disastrous results of such licence being issued"; which could be construed as opposition, I'd say.

Mr. Breithaupt: Perhaps just a social call.

Hon. Mr. Snow: Yes, I accept that fact. But it is my advice from my legal counsel, and it is my own personal opinion, that neither I nor members of the executive council should meet with parties to this dispute. There is a regular manner in which they can make an objection by way of an appeal to the Lieutenant Governor in Council. I do not think it would be appropriate for myself, the Premier or other members of the cabinet to have specific meetings with individual parties to the case.

Mr. Breithaupt: It is nice to see the NDP involved, now that local 113 is showing some interest.

Some hon. members: Oh, oh.

Mr. Breithaupt: Perhaps the minister could advise us, as a result of these telegrams and the proposed meeting, particularly with local 113, on what basis the minister has to declare that there will be no loss of jobs to Ontario residents, when local 113 particularly has some 10 per cent of its 6,800 workers employed with Gray Coach and will be obviously affected by this decision?

Hon. Mr. Snow: As I mentioned yesterday, the routes involved, according to the chairman's written decision—and I would suggest that the members who are very interested in this should read the full written decisions of Mr. Shoniker—the decision states that no more than four per cent of the passenger volume of Gray Coach Lines carried on the Sudbury to Toronto route—the figure I am quoting is from that particular decision —would be affected.

Mr. Moynehan has sent a telegram expressing concern regarding his members. It is my opinion that there will be additional employment created by this additional service, rather than a decrease in employment. Certainly that was the opinion of the several other locals of the Amalgamated Transit Union from Windsor, Thunder Bay, Sudbury and I believe other points. I do not have those telegrams with me.

Mr. Deans: Since I didn't know what the telegram said last Friday when I first raised the matter, I would assume the member for Kitchener would have been aware of that if he were here.

Hon. Mr. Snow: Neither did I.

Mr. Breithaupt: You assumed wrongly.

[Failure of sound system.]

Mr. Speaker: Order, please. Will the hon. member repeat his question?

Mr. Wildman: Do it by Morse code.

Interjections.

Mr. Speaker: Shall we try it again? Order, please. I am sure the hon. minister will be able to hear. If we have fewer interjections, the hon. minister may be able to hear anyway.

An hon. member: He'll never understand you.

An hon. member: It's most important that the cameras are still on.

Mr. Shore: They are trying to tell you something, Ian.

Mr. Roy: You are beautiful, Ian.

Interjections.

Mr. Speaker: I can hear the hon. member. Perhaps the minister will too if the hon. member would carry on.

Mr. Nixon: Write us a letter.

Mr. Deans: Isn't it one of the requirements of the Highway Transport Board to determine whether or not carriers that have been providing services are capable and willing to provide additional services required before granting any licences to other than those carriers that are licensed?

[2:30]

Hon. Mr. Snow: No, I wouldn't say it is the duty of the board to request—

Mr. Deans: Not to request, just to determine.

Hon. Mr. Snow: —or to determine whether they're capable. There's no doubt they're capable, I would say, in Gray Coach Lines operations. It is a large operator and supplies an excellent service in many areas of the province. As I stated in the statement, it had, from the time of the application made to the board in November 1975—from November 1975 to November 1976—

Mr. Cassidy: You're lost in the past.

Hon. Mr. Snow: —there was a total of one year between the time the applications were presented, the waiting period before the hearings were held and, again, more waiting before the decision was rendered. Gray Coach Lines did not take any action to improve its service or to provide the type of service being applied for. It did, I understand, implement what it calls its luxury service between Sudbury and Toronto.

Mr. Nixon: Supplementary: I wonder if the minister meant this, or did I understand him correctly when he said he did not think it proper for any group to express an objection to him or a member of cabinet personally, even though he said in his statement that he was now prepared to give whatever certification was necessary to bring into law the findings of the Highway Transport Board? Would the minister not agree that since the board had sent its findings to the minister, who then must certify them or whatever the procedure is, that carries within it the responsibility to accept, as a cabinet minister must, the public responsibility to hear from citizens who don't agree with the findings?

Hon. Mr. Snow: No, I don't accept that. First of all, as I explained yesterday in the House here, there is no certification of the Transport Board's decision—

Mr. Nixon: But there is ministerial approval?

Hon. Mr. Snow: No, there is not.

Mr. Nixon: You don't do anything with it at all?

Hon. Mr. Snow: No. When the Highway Transport Board issues the certificate of necessity, then the normal procedure is the applicant presents that certificate of necessity to officials of my ministry and is granted the licence.

Mr. Nixon: And you have nothing to do with the officials of your ministry?

Hon. Mr. Snow: In this particular case I asked that the issuance of the certificate be delayed until I personally had an opportunity to review the decision.

Interjections.

Hon. Mr. Snow: This is the first time in the last 14 months since I've been in this ministry that I have asked a certificate be reviewed, and I would think there have been several hundred certificates issued in that period of time.

Mr. Nixon: It is your decision.

Hon. Mr. Snow: It is not normal that each certificate that is issued comes to my attention.

Mr. Wildman: Supplementary: Could the minister indicate whether any evidence was presented before the board to indicate that

only Greyhound could provide this service and not Gray Coach? If not, why wasn't it suggested that Gray Coach provide the extended service?

Hon. Mr. Snow: Mr. Speaker, Gray Coach, of course, has for years had the opportunity to supply this service if it had wished to do so. It was not doing so, in the opinion of the board—

Mr. Deans: That has never been the opinion of—

Mr. Speaker: Order, please. Order.

Hon. Mr. Snow: —and the other applicant, Greyhound of Canada, made application to supply the service.

EMPLOYMENT ON INDIAN RESERVES

Mr. Lewis: A question to the Provincial Secretary for Resources Development: Has the provincial secretary met with Billingsley of Reed Paper and was anything decided?

Hon. Mr. Irvine: Yes, Mr. Speaker, I met, along with my colleague, the Minister of Natural Resources (Mr. Bernier), with Mr. Billingsley a week ago Friday afternoon. At that time we discussed the article that was in the news media as it related to the English-Wabigoon river system, mercury pollution and so on. At this particular time I don't believe I have anything further to relate to the House. I would like to wait until such time as we have further meetings with the federal government and with the native bands in the area.

The Chairman of Cabinet (Mr. Brunelle), the Minister of Natural Resources and myself met on Friday last with Mr. Allmand and his staff. It is our plan to wait until such time as the federal government has very specific projects to bring forth to the three of us or to the government in general, to determine whether or not they are feasible to assist the communities to improve their social and economic way of life. I would like to wait until that time comes about.

I asked the minister if he would bring it in as soon as possible because we were disturbed that it has taken so long for a decision to be made by the federal government. The federal government, through Mr. Allmand, indicated to me and to my colleagues that it is prepared to fund the natives in the English-Wabigoon area up to $120,000 for legal assistance.

I believe that's all I have to relate at this particular time.

Mr. Lewis: A supplementary question: Is the minister saying that an offer to the provincial government, expressed publicly in print, from the president of the Reed Paper company to participate financially in projects in native reserves in the English-Wabigoon river system by way, as it were, of reparation for what was done—that offer and his meeting are now in limbo until he finds out whether the federal government is prepared to provide those projects? Is there nothing we can do provincially to take advantage of this offer and to make it work in the northwest?

Hon. Mr. Irvine: No, that isn't what I was saying. What I said was that the federal government has the very definite responsibility of providing assistance to the native bands. What we are saying is that there is no use in the province of Ontario acting unilaterally unless it meets with the acceptance of the native bands in the area and with the federal government's assistance.

The company is prepared to help, if it can, in any way to assist in the economic and social development of the communities in question. The company feels the federal government and the provincial government with the native bands can best arrange how it might be handled in the future. That is what I'm saying.

Mr. Lewis: By way of supplementary—

Mr. Speaker: Order. May I just remind the hon. member that we are 17 or 18 minutes almost into the question period?

Mr. Lewis: I want to ask one supplementary. I didn't realize the Transport Board would take the time.

May I just ask the minister—since the provincial government has initiated a number of matters, right through from the question of wild rice protection to the provision of freezers for food supplies—is it not possible for us to take the initiative, dramatically, pick up the Reed offer and, in conjunction with the bands of Whitedog and Grassy Narrows, initiate projects which they have requested and indicate that it's possible to solve these problems?

Hon. Mr. Irvine: It's not that easy. What is definitely very important to understand is that when we have offered certain things they have not been accepted at the local community level. What I am trying to say is I think we can all work better together than unilaterally and the province of Ontario has

indicated to the federal government that we are—

Mr. Roy: You are going to have to get closer to an election than that.

Mr. Yakabuski: The NDP is sabotaging the whole thing.

Mr. Speaker: Order, please. The hon. minister will continue—

Mr. Lewis: The member for Renfrew Something is yelling things about sabotage. Can he say what he means?

Mr. Speaker: No. Order, please. The hon. member does not have the floor.

Mr. Lewis: On a point of privilege, considering the source it's hard to pay attention to it in any sense, but I don't think members on the government side should be able to say, "You're sabotaging everything with that sort of question" and simply get—all right. No further questions, Mr. Speaker.

Mr. Speaker: As I've indicated before, there's a great deal of indiscreet language in the chamber at times and it's all distressing. Order, please.

OHTB BUS LICENCE

Mr. Breithaupt: A question for the Minister of Transportation and Communications following on the Greyhound-Gray Coach matter: While the minister was quoting those certain particular complaints in his statement, was he aware that Greyhound had placed an ad in the Sudbury press asking for people to present arguments against Gray Coach's service in the area?

Hon. Mr. Snow: No, I wasn't aware of that.

Mr. Breithaupt: While the minister was reading the telegram sent in the name of local 1374 of the Amalgamated Transit Union the other day, was he aware that telegram was inspired and paid for by Greyhound?

Hon. Mr. Snow: Obviously, I would have no way of knowing whether or not that is right. I received a telegram, as I have received a number of other telegrams. As I mentioned, I received two this morning, one from the mayor of Sault Ste. Marie and one from the reeve of the township of Marathon. I have no way of knowing who paid for those telegrams. I would presume it was the municipalities which those gentlemen represent.

RACIAL ATTACK

Mr. Breithaupt: If I may, a question of the Attorney General, Mr. Speaker, following a question asked by my leader concerning an unfortunate racial attack during a religious festival on Weston Road.

The minister said he might have a report for us within 10 days. That was some two weeks ago; that time has passed. Is he able now to report to us with respect to the investigations completed by Chief Adamson of the Metro police?

Hon. Mr. McMurtry: As I recall, my preliminary response in the House indicated that subsequent to the question, I had learned that the Solicitor General had already requested a full report from the Metropolitan Toronto police department. I will, I am sure, hear the report as soon as it is received by the Solicitor General.

Hon. Mr. MacBeth: I have had an interim report but we have not yet had a final report and it will be forthcoming.

Mr. Breithaupt: Thank you. The minister will be able, hopefully, to bring us a final report before the middle of December and the possible adjournment of this session?

Hon. Mr. MacBeth: I hope so, Mr. Speaker.

STANDARD ENTRANCE EXAM FOR UNIVERSITIES

Mr. Breithaupt: A question of the Minister of Colleges and Universities: Is the minister presently preparing to introduce government policy which would require entrance examinations on a province-wide basis for universities?

Hon. Mr. Parrott: That is another illustration—I believe the members opposite should know the entrance requirements are set by the institutions themselves. I think, also, they should be aware that there's a good deal of thought being given to this by the institutions. There were some studies this year. I don't think I can add to those comments at this time.

Mr. Breithaupt: Perhaps I could repeat my question for the minister—is he now preparing to introduce province-wide standard entrance examination requirements for universities?

Hon. Mr. Parrott: Not at this time.

Mr. Breithaupt: Perhaps I can put the question to the Minister of Government Services following her recent constituency newsletter—

Mr. Lewis: I've got one.

Mr. Breithaupt: I noticed the quotation "The province may also introduce entrance examinations for universities." Perhaps the minister could share with us any information she has on this subject which the Minister of Colleges and Universities may not have.

Hon. Mrs. Scrivener: Mr. Speaker, I would refer that question to the Minister of Colleges and Universities.

Mr. Nixon: Are you writing your newsletters these days?

Mr. Breithaupt: I don't know who writes the minister's newsletters but presumably this might be a policy field question.

Interjections.

Mr. Speaker: Order, please.

Hon. Mr. Davis: I tell you, I would like to read some of your newsletters.

Mr. Breithaupt: If you can make anything supplementary out of that, go ahead.

Mr. Lewis: I can make something out of it. A supplementary: As one of the minister's constituents, if that doesn't destroy my soul and reputation, can the minister indicate to me why false and misleading advertising material is coming into my home in this fashion from a minister of the Crown?

Hon. Mrs. Scrivener: Mr. Speaker, I deny that such false and misleading information is going into the member's home but I would like to compliment him on his great good judgement in living in the riding of St. David, for which he has very good representation in this House.

EDUCATION STANDARDS

Mr. Breithaupt: A question to the Minister of Education with respect to his announcement of the testing and evaluation committee which he announced last Friday: Could the minister expand on the statement he made in the estimates of his ministry on October 31 with respect to the establishment of apparently another committee over a year ago on that particular subject of evaluation? Was it the same work that is now being done; or has that committee reported to him and made any particular statements which this other committee apparently will follow through upon?

Hon. Mr. Wells: No, it is not the same work. The other committee has done the basic study work. This committee is taking that work and, hopefully, putting it into action. I think I covered all that in my statement in the House on Friday morning.

[2:45]

SENIOR CITIZENS' RENT INCREASE

Hon. Mr. Rhodes: Yesterday the hon. member for Windsor-Walkerville asked a question of me concerning an increase in food prices at the hostel units in the city of Windsor. The member indicated that the hostel units, 78 of them, are located at 415 University Avenue East and described the increase as being 28 per cent. The increase of 74 cents per day is an actual increase of 23.5 per cent.

The contract for food service at the hostel units was recently awarded to Beaver Food Services whose bid of $3.88 per person per day was the lowest of the three submitted. The other tenders were for rates of $4.62 and $5.68 per day per person. Tenants have been given notice of the increased rate, collection of which will commence in January. As food costs are not eligible for subsidy, any delays in payment by residents would only result in much higher payments being required at a later date. Beaver got its original contract in 1970 when the daily rate was $2.24. The next increase didn't occur until 1973 when it went up to $2.69 per person per day. In June, 1975, the rate increased to $3.14. So the current rise represents the first increase in close to 18 months.

I did want to point out that the hon. member in his question to me yesterday, I believe, seemed to indicate that this was a matter of an increase in the price of food, which he related to the fact that the cost of food index had not increased over the past year. This is a service that's being provided, as I'm sure the hon. member knows, to the residents who are in the hostel units and these prices are the cost that involves the preparation of the food, the labour involved with that preparation, delivery and serving to the residents in these hostel units.

Mr. B. Newman: Supplementary: Does the minister not consider that a $27 increase, from $96 a month to $123 a month, is a 28 per cent increase? Would the minister not consider phasing in this increase over a period of time rather than having the residents of 415 University Avenue East all of a sudden

in January be required to pay this substantial increase for food?

Hon. Mr. Rhodes: As I said, this is a tendered price of the cost to provide the food for the individual residents. It works out to $3.88 per day per person for the preparation and the serving of the three meals a day. These are the costs on a tendered contract. I don't know what other way one would use to pay for these costs except by those persons who are using the service.

Mr. B. Newman: Is the minister not aware that in previous times when food costs escalated they were phased in?

Hon. Mr. Rhodes: I'm not aware of that. The information that I have, and I have looked into it as a result of the question yesterday, is that there have been increases in this food service over the past number of years. I indicated in my reply to the hon. member that there have been increases starting in 1970 with the original contract. Rates have increased from $2.24 per day per person in 1970 to the present rate which is now at $3.88 per day per person.

I don't understand where the phasing in would have been because there's no indication of such in the material I have.

TUITION FEES

Mr. Warner: I have a question for the Minister of Colleges and Universities. Since the minister has decided to spend $44 million more than he had been advised to by OCUA, and since neither OCUA nor the advisory committee on student aid recommended raising tuition fees, is it not so that a fee increase for September is unnecessary?

Mr. Lewis: Why did you decide to spend so much more?

Hon. Mr. Parrott: I would like to have the benefit of how the member for Scarborough-Ellesmere decided we had spent $44 million more than OCUA recommended. He makes that statement; I would like to see substantiation of that statement.

Mr. McClellan: Who is the minister?

Mr. Speaker: Is there a supplementary question?

Mr. Warner: Not realizing that I was here to answer questions, I would like to pose two supplementaries. Will the minister table—

Interjections.

Mr. Speaker: The hon. member is correct. Order, please. He is posing questions now.

Mr. Warner: Will the minister table a definitive response justifying a budget far greater than that which was devised by OCUA; and when will we see the report from the advisory committee on student aid?

Hon. Mr. Parrott: I would have to say to the member that he may not be here to answer questions, but my role is to be very sure that any—

Mr. McClellan: Answer the question.

Hon. Mr. Parrott: —assumptions that he makes, erroneous as they might be, do not find their way into fact in this province. In other words, if he makes a statement, I do not think that it is incumbent upon myself to accept that as a statement of fact. I wouldn't go so far as to say the next statement which might put me in conflict with you, Mr. Speaker, but I think it's very important that—

Mr. Roy: You don't have to worry about it, the Premier gets away with it!

Hon. Mr. Parrott: —that the member realizes full well that he stated an erroneous fact.

Interjections.

Mr. Speaker: Order. The member for London Centre.

ECONOMIC STRATEGY

Mr. Peterson: Mr. Speaker, to the Treasurer: I'd like to take—

Interjections.

Mr. Speaker: The member for London Centre.

Mr. Peterson: —I'd like to take the Treasurer back—

Interjections.

Mr. Speaker: Order, please. Order. The member for London Centre.

Mr. Peterson: —to his statement of last week.

Mr. Breithaupt: A maxi statement but a mini result.

Mr. Peterson: He projected an increase in expenditures of 9.6 per cent, but he also projected an increase in interest payments of some 16.8 per cent, in total $150 million,

bringing a net interest figure to something over $1 billion next year. Now my question to the Treasurer is how can he project that without projecting his revenues and without projecting the size of his deficit for next year? And is he prepared to share those two very important matters with the House at this time?

Some hon. members: Hear, hear.

Hon. Mr. McKeough: Those will be disclosed at the time the budget is brought down in the spring.

Mr. Peterson: Mr. Speaker, may I just pursue this, because I think—

Mr. Speaker: A supplementary question?

Mr. Peterson: My question is how can the Treasurer project that deficit and that interest figure when he doesn't project his revenues? And why is he not prepared to share that with us now, particularly in view of the fact that there's a 16.8 per cent increase in interest alone?

Hon. Mr. McKeough: Actually, Mr. Speaker, the figure for interest would reflect a current debt, not necessarily iron-clad assumptions at this moment about debts which might be incurred, internal borrowings or otherwise for next year.

Mr. Peterson: A further supplementary, Mr. Speaker: What percentage of the $150 million is a refinancing of the current debt and what percentage is new debt? That's the question, surely.

Hon. Mr. McKeough: I'd be glad to get those figures, Mr. Speaker, but the simple fact is that at such time as the budget is brought down, presumably in March or April, we will be laying all those figures before the House.

AUTOMOBILE INSURANCE

Hon. Mr. Handleman: On November 10, the member for Quinte (Mr. O'Neil) asked me: "Can the minister confirm complaints which were made to me that deaf persons are assessed for unduly high car insurance premiums? If this is so, what steps does he plan to take to correct the situation?"

We have looked into it and we can find no evidence that there is any industry-wide rating practice in connection with deaf drivers who are insured for automobile insurance. None of the rating organizations has any special classification to rate for such drivers. The Facility, which is the vehicle for high-risk drivers, has no provision for surcharging the deaf driver.

It is possible, of course, that some individual insurer may decide in a particular case to rate a deaf driver in a special category. If there's any particular instance of that nature, I would appreciate having it brought to my attention.

LOSS OF GOLD MINING JOBS

Mr. Ferrier: I have a question of the Treasurer, Mr. Speaker: Is the Treasurer aware that because of the federal government's position on the gold mining industry there will be 900 jobs lost in the gold mining industry in Timmins alone this year? Will he provide consultation with Ottawa and try to come up with a policy for the gold industry in Ontario and in Canada, since we do not have a policy. And what plans has he to alleviate the unemployment caused by this federal government gold policy, or lack of policy?

Hon. Mr. McKeough: Mr. Speaker, the Minister of Natural Resources (Mr. Bernier) has answered questions on this matter before. He has had discussions with Ottawa on at least one or two occasions, and we have been involved in those discussions as well. More recently, within the last two or three weeks or last month, the federal Minister of Finance has had some success in prevailing on the IMF to regularize and slow down their auctions somewhat. In any case the market seems to have adjusted somewhat to the quantities which are being sold by auction and the price of gold has strengthened somewhat, and it may be that what we thought was going to be a very serious problem is not as serious as we thought.

Mr. Ferrier: As a supplementary, does the Treasurer not think that it is important that we develop in Canada and in Ontario a policy for the gold mining industry so that we might plan ahead and provide some security for the jobs that are there now and perhaps make room for some expansion, which is a very real possibility should there be a commitment from both the provincial and federal governments to the gold mining industry and to the community and the workers?

Hon. Mr. McKeough: Mr. Speaker, we're not about to make a commitment to purchase gold at a price, no.

Mr. Bain: Supplementary: In the estimates committee the Minister of Natural Resources said he would meet with the Treasurer; has he met with him and has he and the Minister of Natural Resources come to a conclusion yet? If the federal government refuses to provide any sort of gold subsidy and it becomes absolutely essential that such a subsidy be provided if gold mining communities are to survive, will the provincial government provide that subsidy if the federal government refuses to act?

Hon. Mr. McKeough: Mr. Speaker, I think there were at least three or four hypothetical parts to that question.

Mr. Bain: Has the Treasurer met with him and discussed it though?

Hon. Mr. McKeough: With my colleague, yes. We've had discussions on several occasions.

Mr. Bain: What was the outcome of the discussion?

Hon. Mr. McKeough: We're continuing to watch the situation, but it is not the responsibility of the government to step in and rescue the unemployment insurance fund, for example.

Mr. Bain: So if the federal government does nothing what will you do?

Hon. Mr. McKeough: Is the member really suggesting that's part of our responsibility? Mr. Speaker, I have said before that the situation has been reviewed—

Mr. Speaker: Order.

Mr. Roy: You are out of order.

Hon. Mr. McKeough: The member is asking hypothetical questions repeatedly.

Mr. Speaker: Order, please. There is no supplementary.

ESSEX PACKERS

Mr. Gaunt: A question of the Minister of Agriculture and Food: This question pertains to the pending liquidation of Essex Packers. Since the final debt payouts to farmers will be well below the 15 cents on the dollar offered earlier this year, and since Better Beef, aided and abetted by this government, forestalled Essex's pending bankruptcy with a plan to take proxy control by purchasing debts at 15 cents on the dollar, what further intervention does the government plan at this time on behalf of the farmers?

Hon. W. Newman: Mr. Speaker, I think that question should be more appropriately put to the Minister of Correctional Services who deals with that particular matter, as members know.

Mr. Speaker: Does the hon. member wish to refer the question?

Mr. Gaunt: I'll redirect it.

Hon. J. R. Smith: Since we are really no longer directly involved, I am just trying to find it and will give a response to the hon. member on Thursday exactly when the next hearing is before the court and what it involves.

Mr. Gaunt: Supplementary: In view of the fact that the lion's share of the money raised from the property sales will go toward Better Beef's secured debt, of I believe $700,000, would the minister consider it appropriate and possible to negotiate with Better Beef to see if a portion of that money could be directed toward the farmers for payment on their livestock?

Hon. J. R. Smith: Mr. Speaker, it is my belief that we no longer can do that.

Mr. Conway: Where does the buck stop?

Mr. Good: Turn off the light on seat 77.

Mr. Roy: We can see you, Jimmy, we can't hear you.

[3:00]

LAYOFF OF CASUAL AND UNCLASSIFIED EMPLOYEES

Hon. Mr. Auld: The member for Algoma a few days ago asked a question on the subject of the unclassified staff.

The problem that surfaced with respect to the Ministry of Natural Resources relates to appointments made under group 2 of section 5 of regulation 749 of The Public Service Act. Persons appointed under this section are employed in projects of a seasonal or recurring nature, which doesn't require them to be employed on a full-time year-round basis.

Mr. Roy: Just table it, Mr. Speaker. We can't hear.

Mr. Peterson: Mr. Speaker, we can't hear.

Mr. Speaker: Order, please. There is some difficulty in hearing. I think the hon. minister

might be able to speak out a little bit and if there were a little bit less noise—

Mr. Good: Turn off the microphone on seat 77.

Mr. Nixon: It is the minister's style; he is just perfecting it.

Mr. Peterson: Could we get Mr. Riddell to read it, Mr. Speaker?

Mr. Kerrio: Mr. Yakabuski.

Hon. Mr. Auld: If I may lean a little to the right?

Mr. Speaker: I think if you lean to the right that would be acceptable.

Hon. Mr. Rhodes: He'd read it from Huron county.

Hon. Mr. Auld: I still have one foot in my place; shall I start over again?

Mr. Nixon: Go right ahead.

Mr. Speaker: Order, please.

Hon. Mr. Auld: We have defined a seasonal project as having a maximum period of nine months on the premise that anything beyond that could be considered a full-time continuous position. This definition has created problems for some ministries and we are working with them to resolve the situation. In the interim, we have suggested that they not terminate anybody simply because the employment does not conform to this definition until we have explored all the alternatives.

As far as the benefits are concerned, our definition was not aimed at penalizing employees but rather clarifying the kinds of work most appropriately categorized as group 2 or seasonal or recurring in nature. I am advised that this does not affect the employees' ability to use sick leave credits if they are sick at any time during the period in which they are employed. The question of benefits is, of course, subject to negotiation and collective agreement and these negotiations are presently under way.

Mr. Wildman: Could the minister indicate when the final decision might be made so that these employees won't remain in limbo for very long, wondering what's going to happen? Could he clarify how this decision might affect the pension benefits for some of the unclassified employees?

Hon. Mr. Auld: The unclassified staff, the so-called casuals, are only covered by the Canada Pension Plan. They are not involved in The Public Service Superannuation Act. I can't really tell him when we are going to have this resolved except I hope it would be fairly shortly because we've been going into it for some little time already.

Mr. Speaker: The member for Welland-Thorold—is this a supplementary?

Mr. Good: No, this is a new question.

Mr. Speaker: We have a new question here first.

Mr. Swart: My question is of the Minister of Treasury, Economics and Intergovernmental Affairs.

Mr. Good: On a point of order, Mr. Speaker.

Mr. Speaker: No, order, please. The hon. member for Algoma had a supplementary.

Mr. Good: No, the last question asked here, Mr. Speaker, was by the member for Huron-Bruce.

Mr. Speaker: That's right, and then we went to an answer from the minister over here and we are back to this side now. The member for Welland-Thorold.

NIAGARA LAND USE REPORT

Mr. Swart: To the Treasurer: Would I be correct in assuming that he is aware of another document being tabled, entitled Land Use Planning in the Niagara Peninsula, prepared by Professor John Jackson specifically for the Niagara Review Commission? Does the Treasurer know that document severely criticizes the lack of direction from the government on provincial regional planning? Is he prepared as—

Mr. Ruston: Statement.

Mr. Swart: —a result of that to give any more direction to the Minister of Housing in his decision on Niagara?

Hon. Mr. McKeough: Mr. Speaker, that was a three-part question. The answer to all three parts is no.

Mr. Speaker: We have time for one question here—in all fairness I think we should; we have about 20 seconds here. We'll give an opportunity for a question from the member for Waterloo North.

ANNEXATION OF UNORGANIZED COMMUNITIES

Mr. Good: Thank you, Mr. Speaker. I will be glad to ask my question and supplementary all in one. This is a question of the provincial Treasurer regarding the study of 14 unorganized townships in the Kirkland Lake area.

Could the minister first report on the status of this study in view of the fact that the three representatives of the unorganized townships resigned because they said the government had ignored their petition asking that they not be annexed to Kirkland Lake?

Secondly, would he comment on why he insists on studying an area in which the townships have made it perfectly clear that they want to be left alone and they are quite happy with their present form of unorganized government?

Hon. Mr. McKeough: I think the member might talk to the member from the area, among others, and he would find out—

Mr. Good: I am asking you. I know what he says.

Mr. Conway: Louder, Darcy.

Hon. Mr. McKeough: He would find out that there are problems because there is a lack of organization; there is a spillover. There is a request for services which could best be handled in some instances by some form of organized government, but it isn't simple enough to say to leave them in an unorganized form. That may be the answer, but that's what the study is all about.

Mr. Speaker: The oral question period has expired. Before we go on to the next order of business, the Minister of Transportation and Communications has indicated he has a further statement he would like to make. We would have to have the permission of the House to revert to statements. Do we have that permission? Agreed.

SAFE DRIVING WEEK

Hon. Mr. Snow: Thank you, Mr. Speaker. This will be very short and unprovocative, I hope.

Mr. Conway: Most unusual.

Hon. Mr. Snow: The next seven days, December 1 to December 7, have been proclaimed "Safe Driving Week" in Canada. I would like to take this brief opportunity to go on record and indicate to the House that we in the Ministry of Transportation and Communications heartily endorse the efforts of the Canada Safety Council to reduce the accident rates on all our Canadian highways.

Mr. Conway: How about Bob Johnson?

Hon. Mr. Snow: I would also like to state, again for the record, that my ministry has been consistently doing its part to impress on Ontario motorists, pedestrians, cyclists and motorcyclists—

Mr. Speaker: Order, please. There is too much noise and movement around the chamber.

Hon. Mr. Snow: —in fact, all those who use provincial streets and highways—that safety is a matter of concern for 52 weeks of the year. The ministry's theme is "Go Safely", and the programme covers such safety areas as seatbelt, school bus, snowmobile, bicycle and pedestrian safety for adults and children; and motorcycle, elementary school safety programmes and driver education in our high schools. As well, on a continuing basis, we produce safety literature and public information messages promoting defensive driving techniques for summer and winter driving.

As the Canada Safety Council has pointed out in its current campaign, "Traffic accidents continue to be one of Canada's greatest social problems." We agree, and accident statistics readily will prove that. Though the rate is high, Ontario's death and injury rate is dramatically down from last year, as I reported to the House last week.

On the occasion of Safe Driving Week, I would like to sincerely thank the media for their extremely valuable assistance in publicizing my ministry's various safety programmes throughout the year. Through newspaper feature stories and public service radio and television messages, we have been able to spread the safety message more widely.

Finally, I want to assure the members that my ministry intends to continue to drive home to the residents of this province that highway safety is everyone's business.

Mr. Speaker: Petitions.

PETITION

Mr. Breithaupt: I beg leave to present a petition from the officers of local 113 of the Amalgamated Transit Union, representing 6,800 employees of the Toronto Transit Com-

mission and Gray Coach Lines, requesting that no licences be issued to either Greyhound or Stock Brothers until such time as the cabinet has learned the full facts of the case. I might add that most of these gentlemen are in your gallery today.

Mr. Lewis: Liberals in bed with the trade union movement! That's not a healthy thing for the trade union movement. They will need cleansing and purifying.

Mr. Speaker: Presenting reports.

REPORT

Mr. Breaugh, in the absence of Mr. Lawlor, from the standing administration of justice committee, presented the committee's report which was read as follows and adopted:

Your committee begs to report the following bill with certain amendments:

Bill 97, The Credit Unions Act, 1976.

Ordered for third reading..

Mr. Speaker: Motions.

MOTION

Hon. Mr. Welch: Mr. Speaker, I did have some indication from the House leader of the official opposition that they wanted a substitution. Although I haven't got it written out, I wonder if it would be in order to move that Mr. Makarchuk be substituted for Mr. Martel on the select committee considering the Camp report until such time as Mr. Martel has recovered from his illness.

Hon. Mr. Welch moved that Mr. Makarchuk be substituted for Mr. Martel on the select committee studying the fourth and fifth reports of the Legislature.

Motion agreed to.

Mr. Speaker: Introduction of bills.

Just before the orders of the day, I should announce to the House that in accordance with order 27(g) in our standing orders, I have been duly notified in writing that the hon. member for Scarborough-Ellesmere was not satisfied with the answer to a question from the Minister of Colleges and Universities and he wishes to debate this matter at 10:30 o'clock this evening and it shall be.

Also before the orders of the day, in accordance with section 82 of The Legislative Assembly Act, I am required to inform the House that the Lieutenant Governor in Council has been pleased to appoint Hon. Mr. Henderson in place of Hon. Mr. Snow and Mr. Maeck in place of Mr. Morrow on the Board of Internal Economy.

ANSWER TO WRITTEN QUESTION

Hon. Mr. Welch tabled the answer to question 153 standing on the notice paper. (See appendix, page 5221.)

Mr. Speaker: Orders of the day.

MUNICIPAL AMENDMENT ACT

House in committee on Bill 149, An Act to amend The Municipal Act.

Section 1 agreed to.

On section 2:

Mr. Deputy Chairman: Mr. Norton moves that section 242a of the Act as set out in section 2 of the bill be struck out and the following be inserted in lieu thereof:

"242a. Where the council of any municipality passes a comprehensive general bylaw dealing with all or any of such matters within its jurisdiction as the council considers desirable to include therein, which bylaw may be known as the municipal code and such bylaw consolidates and includes therein the provisions of any bylaw previously passed by the council;

"(a) the provisions in the comprehensive general bylaw shall be deemed to have come into force on the day the original bylaw came into force; and

"(b) any condition precedent or subsequent or the approval for the external to the council required by law before the original bylaw came into force shall, where such condition was satisfied or approval obtained in respect of the orginal bylaw, be deemed to have been satisfied or obtained in respect of the corresponding provision in the comprehensive general bylaw in all respects as though the condition had been satisfied or the approval obtained in respect of that provision in the comprehensive general bylaw."

The hon. member may proceed.

Mr. Norton: Perhaps just briefly, Mr. Chairman, I could explain the reason for this amendment. It is very similar to the section that is contained in the bill, but I would note that the changes are that in the first line, as opposed to reading as it does in the bill that the council of any municipality may pass such a bylaw, it is amended to read

where the council of any municipality passes a comprehensive general bylaw.

[3:15]

The reason for that change was that it was brought to our attention by some municipalities that the use of the word "may" might create the impression that prior to the passing of this provision they could not pass a comprehensive bylaw. It had been the practice, apparently, of some municipalities to hold their meetings so that the various items of business on the agenda were dealt with by resolution. At the conclusion of the meeting, they would then pass one bylaw which would include all the resolutions that had been dealt with during the course of the meeting.

They were concerned that if it appeared in this legislation that we were just for the first time granting permission to do that, someone might challenge the validity of their prior bylaws. That was not the intention. It has been our impression they had the authority to do this previously. In order to clarify that, we are changing the wording so that it does not appear to be permission to do this for the first time but rather sets out certain circumstances which would arise if they should pass such a bylaw.

Mr. Swart: I rise to support the amendment. As a matter of fact, if the member for Kingston and the Islands hadn't moved it, I was going to, because I was aware of the concern of certain municipalities that it would jeopardize what they had done in the past. We will support this amendment.

Section 2, as amended, agreed to.

Sections 3 and 4 agreed to.

On section 5:

Mr. Deputy Chairman: Mr. Swart moves that subsection 1(a) of section 296 of the Act, as set out in section 5 of the bill be struck out, and that subsection 1(b) be renumbered as subsection 1.

Mr. Swart: I will read the subsection so that we will know what I am proposing to delete. It is as follows: "Notwithstanding subsection 1, the council of the municipality having a population of less than 20,000 as determined under The Ontario Unconditional Grants Act, 1975, shall not pass a bylaw under the provisions of subsection 1 until the approval of the Municipal Board has been obtained."

I think the intent of my amendment is clear. Our party proposes that the requirement of the OMB to approve minor variations in conditions of unsold debenture issues be dropped for all municipalities, not just for those over 20,000, as the government wants to legislate in this bill. The number of municipalities over 20,000 in population in this province is about 100. That means that there are approximately then 750 municipalities which would still have to get approval from the Ontario Municipal Board for very minor variations in debenture issues. I suggest this is an unjustified bias against the smaller municipalities.

The considerations on this are perhaps threefold. The first is the matter of time. There is time involved with the Ontario Municipal Board. We all know that they are overloaded now and there are delays. There is a time of delay to the municipalities in having to get approval for a change in debentures which in a changing money market could mean that by the time they get it approved they should be making another change. I guess the concern of the government is that they want safeguards for the small municipalities which they think have inadequate staff to advise on these sorts of changes in their debenture by-laws. Surely, when section 1(b) limits them to varrying the interest rates by only one-half of one per cent, that is an adequate safeguard against any major problems arising from decisions they might make.

I also want to state here that the smaller municipalities, those under 20,000, aren't quite as incompetent as the government thinks they are in these and other matters. They get advice on these things and their decisions very often are just as competent, just as wise as the larger municipalities in Ontario.

Another argument which has been put forward as the reason for not permitting municipalities under 20,000 to make these minor changes on their own without the Ontario Municipal Board looking over their shoulder is that they don't market debentures or at least don't market many debentures; they get their money through the OMIC, the Ontario Municipal Improvement Corporation. As a matter of fact, in our debate on second reading of this bill the member for Waterloo North (Mr. Good) made that point very forcefully. He said, and I quote from Hansard of that time:

"Then we go to the other part of the amendment which says that municipalities under 20,000 still retain the same provisions that existed in the sections previous to this amendment coming in.

"Personally, I can't see too much wrong with that. In many other instances we differentiate between the large municipalities and the small municipalities. First of all, the Ontario Municipal Improvement Corporation is available for all municipalities under 20,000; municipalities over 20,000 population cannot avail themselves of the services of OMIC because OMIC provides funds to buy debentures only for municipalities under 20,000.

"Consequently, the greater proportion of financing done by municipalities is done through OMIC, and the issuing of debentures on the public market is not very common by municipalities under 20,000."

He reaffirms that later when he says, "While the previous speaker" and there he is referring to me, "had indicated that they don't think this is right, that it is discriminating, I personally feel there are valid and good grounds for making a difference between those municipalities that do most of their financing through the Ontario Municipal Improvement Corporation."

I just want to say, Mr. Chairman, that the member for Waterloo North is mistaken in saying that the—

Mr. Nixon: If he is, it's the first time.

Mr. Swart: There's always a first. He is mistaken in saying that the smaller municipalities do most of the selling of their debentures through the OMIC.

Mr. Good: Most of them do.

Mr. Swart: I checked this with OMIC and I found that of $38 million debt incurred in 1974 by municipalities under 25,000—you'll recognize that they don't always have the same grouping—only $7 million was obtained from OMIC, or less than one-fifth of the total long-term debt which was incurred by the municipalities.

I was told that they often run out of money and therefore can't provide the municipalities with the long-term financing they need. I went a bit further than that and I contacted 10 relatively small municipalities to find out they did use OMIC. I could name those here.

There was Walkerton, with a population of 4,600; Orangeville 9,800; Aylmer with 4,705; Yarmouth township with 7,715; Leamington 10,576; Pittsburgh township in Frontenac county 6,861; Hanover 5,116; Sidney township 9,057, Ingersoll 8,013 and Hearst with 4,668 population. The result of that survey was that one municipality of those 10 used OMIC exclusively, four used the open market exclusively, four used both OMIC and the open market and one hadn't issued any debentures recently. In their opinion, five preferred OMIC, three preferred the open market, and two had no preference.

I might just give you a comment or two from those municipalities. Orangeville stated they never used OMIC, they always either sold them locally or through a broker. Aylmer said that they went both ways. Pittsburgh, Frontenac county, said they used OMIC all of the time, and Hanover in Grey county said they never use OMIC and they issued not too long ago a debenture for $500,000. I take time to point that out to show that in fact the small municipalities market most of their debentures not through OMIC but on the open market, and therefore I suggest that they have the right to have that privilege of making those minor changes in the debenture issue on their own, without having to go through all of the procedures of the Ontario Municipal Board, which of course encompass delays and, I say to the member for Kingston and the Islands, in a government that is trying to cut down on costs, just simply adds to the duplication and thus the cost of the issuance of debentures.

In summary, I just say with regard to the proposal that is made here for amending section 5, that if using the open market if the safeguard of one-half per cent interest is added cost to OMB and delay in time to municipalities is the result of this, let's extend this minor concession and autonomy to all local governments. I would ask both the member opposite and the gentlemen to the left to give serious consideration to this motion, which I suggest is very sound.

Mr. Good: Undoubtedly the previous speaker has a different source of information from that which I used when I got my information. I still feel the major portion of large issues is obtained through OMIC, the Ontario Municipal Improvement Corporation.

Mr. Swart: I just told you. The figures are there.

Mr. Good: You are talking about total. You said five use OMIC, three don't use OMIC, and you mention that only 20 per cent of the total is issued through the Ontario Municipal Improvement Corporation. I think this section of the bill would apply only where there has been a large debenture issue of substantial size, where the issue is not being picked up as quickly as the municipality would expect it to be. Undoubtedly, in small issues which are

put out to the public money market they are going to be taken up in one lump sum by the underwriting agent. In cases where there is a particularly large issue, every hour when the interest rate fluctuates it's going to mean money one way or another to the municipality. If the interest rate is too far off I'm sure the issue would have to be withdrawn and probably redrafted at a different rate entirely. I personally don't feel you can have two sets of rules. If the small municipalities have access to the funds then they have complete freedom to do as they wish in other areas.

[3:30]

If the parliamentary assistant wants to accept that amendment, let him do it on his own. I personally feel there is a difference to be made in that municipalities under 20,000 have access to only—I don't think they have the large number of large debenture issues which the large municipalities have of necessity. I think it is going to be a strain on the financial management of those municipalities if they want to exercise this particular section of the bill.

Believe me, it takes a considerable amount of expertise in the bond and money market to decide whether we are going to change the interest rate an eighth of one per cent; on a large issue that means a lot. I have been told, and I rather believe it, that that expertise does not exist to a great extent in some of our larger municipalities. It's a very tricky business when it comes to handling millions of dollars of debentures for a municipality and you are talking about an eighth or 25 points percentage of interest rate.

I still feel as I did when I made my first statement. If the parliamentary assistant wants to accept that amendment I say let him do it but I feel there is a difference. I don't think it's any hardship on the small municipality because I do not think this instance arises that often in the small municipality; it only arises on a large debenture issue. I'll bet you can't point out one instance—there are very few instances in which the small municipality has found its relatively smaller issues going unsold.

Mr. Norton: Mr. Chairman, the hon. member for Welland-Thorold has indicated that certainly there are some municipalities, some of the smaller municipalities, which do deal with the market as opposed to going through OMIC. I don't think any of my statements earlier nor the statements of the hon. member for Waterloo North were intended to create that impression.

As a matter of fact, our data indicate that of the municipalities of 20,000 or under some 40 per cent do not engage in long-term financing or long-term borrowing. Of the 60 per cent which do, at least 40 per cent of their needs are met presently through OMIC.

I might also add that the problem we're trying to meet here is a problem which has never been raised, to my knowledge, by the small municipalities. It's one which is faced by the larger municipalities when very large sums of money are involved. They may have difficulty in moving their debentures and, as a consequence, they stand to lose substantial amounts of money. I think what the hon. member for Waterloo North has said is correct. It does not appear to be a problem experienced by the smaller municipalities.

I can appreciate the thrust of what you're trying to do—not to appear to create anything, a situation, which is in any way prejudicial to one group of municipalities. This is not an arbitrary thing we're doing and it's not just a stab in the dark. It is related to practice. It is related to the present setup of OMIC. It is related to the fact that the smaller municipalities may borrow for any purpose from OMIC whereas the larger municipalities may not. There is special provision which has been made for the small municipalities.

In addition to that, I don't think we should overlook lightly the fact that some of the smaller municipalities operate with very limited staff; in some cases, no full-time staff. It becomes a very difficult task for a part-time clerk to handle rather complex financial matters such as this.

It's not a paternalistic position which we're taking but rather one, I think, which recognizes the differences that do exist in municipalities. I think that in those cases, since it does not appear to be a problem and is a very rare occurrence in any event, to relieve the requirement for Ontario Municipal Board participation with the smaller municipalities, if they should be faced with this, is not an onerous requirement.

Mr. Swart: It is a rare occasion even for the small municipalities.

Mr. Norton: No, the point is that even the fact that it is a rare occasion for a very small municipality with a very limited staff I think makes it an even more difficult task if it should arise, in which case the assistance of the Ontario Municipal Board as a check is, I think, desirable. For that reason, I would not be prepared to support the amendment although I realize that the intent is sincere

and it's been very well researched. I think that it overlooks the need to make this distinction and to recognize the distinction that does exist in OMIC and in other arrangements with the small municipalities.

Mr. Deputy Chairman: Shall Mr. Swart's amendment carry?

Those in favour will please say "aye."

Those opposed will please say "nay."

In my opinion the "nays" have it.

Shall we stack it?

Some hon. members: Yes.

Sections 6 to 9, inclusive, agreed to.

On section 10:

Mr. Deputy Chairman: Mr. Swart moves that clause (c) of paragraph 87 of subsection 1 of section 354 of the Act, as set out in section 10(7) of the bill be amended by striking out "but no licence fee shall be more than $20 per month" in the fifth and sixth lines, with the following inserted in lieu thereof:

"and notwithstanding that the trailer is not assessable under The Assessment Act, the licence fee shall be equal to the pro-rated amount of municipal taxation that would apply if the trailer were eligible for assessment under The Assessment Act. Such licence fee shall be apportioned among the bodies for which the municipality is required to levy a rate in the same proportion that municipal taxes levied in the preceding year on residential assessment for each such body bears to the total taxes levied in the preceding year on residential assessment for all purposes."

Mr. Swart: There are really three sections of this Act which deal with the same basic issue. There is also subsection 6 of section 10 and then a subsection of 15, and it all concerns just two things. One is the transfer from The Municipal Act to The Planning Act of the right to refuse and zone trailer or mobile home parks and individual mobile homes which may be located in the municipalities. Because they are tied one to the other, I would like on this particular amendment to put forth the arguments for section 15 as well and not duplicate my comments at that time. I hope this will be acceptable.

Let me say immediately that we believe the intent of these sections and these subsections is to remove the powers which municipalities now have to provide a blanket prohibition against the location of mobile homes and mobile home parks within their municipalities. We believe that the prohibition, consideration and determination should be made under the umbrella of planning and zoning. I may say we agree with this general intent and suggest that it is a move forward.

The prohibition legislation has been used extensively. Understandably, from a municipal point of view there was reason to use the prohibition measures. Formerly, mobile homes —they were mostly trailers a number of years ago—yielded little revenue. Years back many of them did deteriorate to almost slum conditions. The situation has changed and the blanket prohibition should be removed.

However, I want to say there should be no doubt left with municipalities that the ability to prohibit is just being transferred to the planning process. Under a planning process they may be able to prohibit, but they have to have that approved by the Ontario Municipal Board. If the Ontario Municipal Board decides that a municipality should not be able to prohibit or putting it another way that it should have an area where a mobile home would be permitted, then it will have the power to do so. The old blanket provision which required no approval from any other body to prohibit mobile homes in the community will be gone.

Certainly they will not be able to do it with the same ease that they did before. I suggest this bill is a step on the road to implementing the 1974 task force on housing policy when it said the province should not allow municipalities to exclude mobile homes as a permitted use under zoning bylaws.

I want to make it clear at this time that we are in fact changing the powers of the municipalities. I say that the situation has changed substantially and I want to document this. It's in recognition of this change that we move amendments to sections 10 and 15 to have mobile home owners pay their fair share, and I say nothing more or nothing less, of property taxation.

The changes that have brought about the need for the amendments here and for the amendments which we propose are, first of all, housing costs. The government of this province has permitted dwelling units, at least single-family units, to escalate to the place where few people can afford them. Mobile homes, therefore, are to many people a desirable alternative to living in apartments. We would say they should be part of the housing mix.

A study was done, in Thunder Bay I believe, with regard to the cost of a mobile home versus a single-family dwelling unit. The title of that is "Mobile Homes in the Rural Environment." It is a report by the

Lakehead Planning Board prepared as late as September, 1976. It showed that the average cost of purchasing and maintaining a three-bedroom home was $311.56 per month. For a three-bedroom mobile home the cost was $256.74, or only about four-fifths as much as a single-family dwelling unit. So there is a real argument that people who want a housing unit of their own may be able to purchase a mobile home which is satisfactory to them when they couldn't purchase a single-family dwelling unit.

[3:45]

The second point I want to make about the need for these amendments is that the use of mobile homes is escalating very dramatically. In 1974, 13 per cent of all the new housing starts in Canada were mobile homes. We produced 1,562 mobile homes in this county in 1963. In 1974, we produced 28,690, of which 4,763 were double-wides, which are almost the equivalent to a standard single-family dwelling unit.

I have to say that Ontario is lagging very far behind the other provinces in its residents' use of moble homes. In fact, I think the ratio to population in Ontario is the lowest of any of the provinces in Canada and far below a place like British Columbia, although admittedly it has a different climate to what we have in this province.

The style, the size and the quality of mobile homes are changing. I think that's obvious. I don't have to document that point. We are moving into the double-wides, which are much longer and they are satisfactory residential units. They are also becoming permanent residences to a much greater degree. I think it's perhaps unnecessary to document that one either. If you look at the parks, you realize they are there to stay for a long period of time. Those people living there are permanent citizens of the community, almost to the same extent as people who live in single-family dwelling units and even more so than those who live in apartments in the same community.

We need a changed approach and changed legislation to deal with what is happening. To meet the very real need to promote the acceptability to the councils of units in their areas and certainly to the public, as well as to mobile home owners and prospective mobile home owners, we need changes in legislation to make this acceptable all around.

Let me say immediately that I believe there ought to be much more in the way of development of municipal mobile home parks. The government of this province should be promoting those as a very real alternative and—

Mr. Deputy Chairman: Order, please. I fail to see where your debate at this time refers specifically to this amendment.

Mr. Swart: I think you will in a moment or two, Mr. Chairman. I have to put this in perspective.

Mr. Deputy Chairman: The Chair will wait patiently. Would you proceed?

Mr. Swart: I would point out that the now Provincial Secretary for Resources Development (Mr. Irvine) stated on July 4, 1975, when he was Minister of Housing: "The ministry will be actively involved in the development of at least one mobile home community under the new planning legislation and design criteria."

I would ask the member for Kingston and the Islands, when he winds up the debate on this, as I assume he will, if he can tell me where that one is located. I think perhaps I had better come back to that, because the former Liberal member is talking to the member for Kingston and the Island. Could I have the attention of the member for Kingston and the Islands?

I quoted a statement by the then Minister of Housing on July 4, 1975, in which he said: "The ministry will be actively involved in the development of at least one mobile home community under the new planning legislation and design criteria." Would you, when you wind up the debate, tell me where that community is that he promised to be actively involved in at that time, on july 4, 1975?

There are many other measures relating to mobile home parks that I would like to cover, but I want to deal with just one—the amendment to provide the property tax revenue on the same basis as derived from the real property, and I'm sure you see now, Mr. Chairman, where I was leading up to this point.

There is a move, admittedly, here in Ontario, to assess mobile homes. Most other provinces do. In fact, five of the other provinces use the method of assessment of mobile homes exclusively. There are some of the provinces which still use a fee basis and an assessment basis, either together or separately, depending on the type of mobile home.

I suggest—and perhaps I'm being presumptuous, but probably there is no one in this House who would disagree with me—that the assessment basis is the fair way. For some reason this province has refused or neglected to change The Assessment Act and I say this is inexcusable. Just a few weeks ago we had

Bill 133 before us, which was a bill to amend The Assessment Act, and if the province was serious about using the assessment provisions, in the light of what happened in the Vannini case at Sault Ste. Marie and so on they would have brought in amendments so that there would be no doubt that they would have the right to assess mobile homes on the same fundamental basis as other residences are assessed.

I think my colleague the member for Algoma (Mr. Wildman) might have more to say on that particular case and the situation up there, so I'm not going to dwell on it at any length. But I want to say—because this apparently has not happened up there or in other areas where they are now assessing the mobile homes—that the assessment must be fair in relationship to other mobile homes which are still paying the fee, and it must be fair in relationship to other residences.

The amendment which we propose accomplishes this in a very successful way until The Assessment Act is in fact changed. Our amendment provides that the licence fee which would be paid by a mobile home owner would be the same as if he was taxed.

In other words, the property would be assessed and then he would pay an amount in a fee equal to what he would pay if he was assessed, and therefore there will be no discrimination if that's done fairly between mobile home owners who are assessed and those who aren't assessed, and the fine line now, as I'm sure all members know, is pretty difficult to draw under the present Act.

The second point I want to make with regard to the amendment is that it will ensure that the revenue from mobile homes will be divided the same as other taxation. It will go to school boards or to the region or to whatever bodies derive support from municipal taxation.

Another worthwhile section of our amendment is that it provides that it will be an occupancy tax and will only be levied when the lot is actually occupied by a mobile home.

Under present legislation it matters not whether there is a mobile home on the lot. The owner of the mobile home camp or park, whatever you wish to call it, must pay so much per lot, up to $20 per lot. The result is that this is passed on to the mobile home dwellers or owners who are there, and if it is only two-thirds full then there is a 50 per cent increase in the amount they have to pay toward this licence fee because the other lots aren't filled. Unlike taxation, it will be paid in advance if they move out, and there is this advantage.

I say to the member for Kingston and the Islands and to the members of the Liberal Party that this seems like a reasonable interim measure to give some further degree of fairness in levies on the mobile home population. I say it may be considered interim. I am not at all sure but what it may be a measure that you would want to incorporate on a permanent basis, because there is always going to be some difficulty between a mobile home which is on wheels and in fact is mobile and one that is set on blocks and connected to the water and sewers. This way, even if it is in fact a mobile home, not a permanent structure, you will assess it in levy costs against it for the municipality in exactly the same manner as a mobile home which is on a more permanent basis.

For all of these reasons, I would urge the members of this House to unanimously support this amendment.

Mr. Eakins: Is there a quorum in the House? It seems that we should have a quorum when we are listening to an important discussion such as this.

Mr. Deputy Chairman: The clerk will take the count.

Mr. Deputy Chairman called for the quorum bells.

On resumption:

[4:00]

Mr. Good: Dealing with the amendment before us, I must confess I may not be perfectly clear on all aspects of it.

As I understand it, over the past six or eight years we have gone through a great many variations and amendments dealing with trailers and mobile homes in parks and camps. Those designated as trailers in a trailer camp pay no licence fee, nor do they pay assessment. The owner just pays a tax on the property. I believe that is correct.

Those who were in mobile homes, living there over 60 days on a permanent basis, used to pay a $20 assessment, a $20 licensing fee per month to the municipality. Some smart assessor got the idea a few years ago that these mobile homes could be assessed as real property and he won his case in court and before long many municipalities were jumping into the action. We then found that mobile homes were not only paying licence fees, but they were also being required, through the owner of the camp, to pay a property tax because they were assessed.

The courts upheld the fact that mobile homes once established on a permanent

basis as a permanent residence could be assessed under The Assessment Act as real property. So we ran into the dilemma then that some people in mobile home parks were not only paying licensing fees, but they were also being assessed and paying property tax. That is why we finally got this amendment in this section which says no licence fees shall be charged in respect of a trailer assessed under The Assessment Act. And that was put in not too many years ago.

I must confess I was not aware that there are still mobile homes that are not assessed.

Mr. Wildman: Oh many.

Mr. Good: All the mobile homes in my particular community are assessed under The Assessment Act.

Mr. Ruston: So are ours.

Mr. Wildman: Not ours.

Mr. Good: If there were some mobile homes that were not assessed it didn't take them long to make the necessary changes on their undercarriage by blocking them in, or closing them around and hooking them up, so they did become available for assessment; because invariably in the area with which I am familiar it was more advantageous to be assessed and pay the municipal tax than it was to pay the $20 a month licensing fee. I think the $20 a month licensing fee did in fact reflect a fairer return to the municipality than many of the revenues generated from assessment.

Incidentally, Mr. Chairman, as I understand it the licensing fee now is required to be divided with the board of education of the area on the same basis as other tax revenues and that requirement is under The Education Act. I looked into that matter a few years ago. So any licensing fees collected by a municipality must be distributed to the county board within that area on the same basis as other revenues are divided.

My problem is with the proposition that we are talking about mobile homes or trailers that are not assessable under The Assessment Act and that their licence fee be equal to the prorated amount of taxation that would apply if the trailer were eligible for assessment. How do you assess a non-assessable item such as a mobile home? This would be a problem as far as I am concerned.

Evidently, according to the member for Algoma, there are a lot of trailer mobile homes being licensed rather than assessed. If that is the case there probably is a problem where they are paying more by the $20 licence fee than they would be if they were assessed. But if they are not eligible for assessment—and assessment as we knew it then was one thing and assessment as we have it in the areas, say, of Grey and Bruce and East Parry Sound and Carleton, where market value assessment was taken over is another matter. So before I would know whether we could support this I would have to know whether there is any mechanism whereby an assessment figure could be placed on a mobile home which is not eligible for assessment under The Assessment Act.

That is as far as I want to go right now before I decide.

Mr. Wildman: I'm glad to be able to participate in this debate on the amendment. About 12 per cent of all the mobile homes in the province are in the district of Algoma. In the unorganized areas north of Sault Ste. Marie at the present time there are at least about seven or eight mobile home parks. The mobile homes within those mobile home parks are still being licensed, but they are not now assessed. The assessment department is in the process of beginning to assess these homes, but as of this date they are still paying licence fees.

This leads to a very unusual situation for the mobile homes within the city boundaries of Sault Ste. Marie. There are three small parks within the city boundaries. Up until this year they were also under a licence fee but, as of January 1, 1976, they were assessed and their taxes were determined on the assessment. We had the situation where mobile homes within parks within the city of Sault Ste. Marie were being assessed, while the large number of mobile homes in the many parks north of the Sault within a few miles were under a licence fee. This led to a number of problems which I'd like to lay out before the committee and see whether or not we can reach some conclusion as to accepting this amendment.

It appears that either TEIGA does not really know what the Ministry of Revenue is doing or perhaps the Minister of Revenue (Mr. Meen) doesn't really know what his assessors are doing in the district of Algoma. As has been pointed out, before the early 1970s licence fees were standard throughout the province for mobile homes. These licence fees very seldom had any relationship to the real value of the home. They were just set arbitrarily and they could be raised arbitrarily, although they weren't for a long period of time. Then in one jump in the early 1970s they doubled.

When the assessment department began assessing the mobile homes, one of the owners of one of the parks north of the Sault went to court and appealed this assessment. Judge Vannini ruled that a mobile home with the wheels attached and which was not on a permanent foundation was not a permanent residence and therefore, was not eligible for assessment. It was a vehicle and therefore it should be licensed.

I'm not sure what happened in the rest of the province, but after that, in the district of Algoma they went back to licensing rather than assessment. In the area north of the Sault there was no municipal organization so the tax collector there is the board of education. The Sault Ste. Marie and district board of education levied a licence fee. That's the way it remained both in the city and outside the city until this year when the three parks within the city boundaries were assessed.

I want to point out that I am certainly not opposed to the assessment of mobile homes. I'm in favour of that because then there is some way the homeowner can determine whether or not his taxes are fair and he can appeal if he thinks they are unfair. The licence fee has no relationship necessarily to the value of the home and in that sense is somewhat unfair for determining taxation.

I've raised this issue a number of times in the House. Early last spring one of the mobile home tenants' associations in Sault Ste. Marie contacted me and told me that they had been licensed up until that time but now they had been assessed. They felt the assessments that were arrived at were too high and they wanted to know what legislation there was determining how mobile homes should be assessed and so on. I asked the Minister of Revenue if he could clarify the situation during the discussions of his estimates and I asked him if the Vannini decision was being followed.

In response, the minister stated that if a mobile home was still on its wheels it was not assessable for realty purposes but was subject to a licence fee. Most of the mobile homes in my area, although they are blocked and skirted, still have the wheels and the chassis attached. Most of them are not on permanent blocks which are cemented in or anything; they are on wooden or cement blocks which can be removed easily. That would indicate, if the wheels were still attached and it wasn't assessable, that most of the mobile homes in the area would not be assessable.

As a result of that situation, I informed the tenants' association which then contacted the Minister of Housing (Mr. Rhodes). Someone in the minister's constituency office—I believe it was in April—indicated to them that the government believed that assessment was permissible on mobile homes, which seemed, at least, to contradict the statement made by the Minister of Revenue in the House and a statement he had made in a letter to the tenants' association.

To try to straighten this out, I met with the association and the park owner. They told me at that meeting that they had been informed by the assessors that if they didn't like being assessed or if they didn't like the amount of the assessment, they would have to appeal. They launched an appeal in the assessment appeal court and that tribunal ruled that they did not have the right to rule on the legality of assessing or not assessing mobile homes which I would agree is correct. It is not their role.

They were told they would have to appeal to the divisional court which they have done and that case is to be heard in January, 1977. At the assessment appeal court the tenants were informed that assessors could not compare and should not compare mobile homes and houses when assessing; nor should they even compare mobile homes to double-wides.

Mr. Chairman: Is the hon. member for or against the amendment?

Mr. Wildman: I'm in favour of the amendment, sir. I'm trying to explain the problems with this whole thing. As I said at the beginning it doesn't appear that TEIGA knows what the Ministry of Revenue is doing; for that matter Revenue doesn't know what it is doing.

Mr. Conway: It's just another motherhood speech for Algoma.

Mr. Wildman: Motherhood is still alive and well in Algoma.

Mr. Conway: Quite obviously.

Mr. Wildman: Seriously, Mr. Chairman, I think this is a very difficult and complex subject and one which I am not treating facetiously. I don't know the answer to this whole problem. I don't know why mobile homes in Algoma have been treated differently from mobile homes outside that district in other parts of the province; why they have been licenced until now and are only now being assessed.

Nor for that matter do we know of any guidelines on which assessments can be determined, which makes it very complex. I really don't know the answer. The problem with mobile homes, of course, is that it is

very hard for the assessor to determine its value because mobile homes don't appreciate in the same way as houses tend to in our inflationary housing market. They often tend to depreciate in value.

I contacted the Minister of Revenue again for clarification. One June 16, the minister wrote to me and stated that he had contacted the assessment commissioner in Sault Ste. Marie to investigate the matter of assessment of mobile homes in the park. He stated, "He reports that to the best of his knowledge all the trailers in that particular park are assessed as real property," which I knew.

[4:15]

Then he states that the assessments are made in accordance with Judge Vannini's decision. He attached, very helpfully, a list of questions which he said the assessors used to determine whether or not the home was permanent. On the list there are 14 questions and I won't go through them here because I know the problem of time. He stated that the assessors asked the mobile home owners these questions and since most of them had been answered in the affirmative the homes were determined to be permanent and therefore subject to assessment.

I wrote the minister then and asked him if he intended to publish this list of questions for a permanency test, which would let mobile home owners know exactly where they stood in regard to assessment. He never answered that question.

I also asked how many of the 14 questions had to be answered in the affirmative for the assessor to determine that the home was a permanent one and thus could be assessed. As yet, I have not received an answer to that question.

I sent the list of questions to the tenants' association and they wrote back and informed me that although the minister had said the assessor had asked them these questions, they had never been asked these questions. As a matter of fact, most of the home owners in the park weren't even aware of when the assessor had visited the park. They sent me a list of their answers to the questions which were substantially different from those of the assessor.

I again wrote the minister and asked for clarification. I didn't get a reply to that but in September the tenants' association was visited by the regional assessor and his interpretation of foundations and wheels appeared to be very different from Judge Vannini's. He aslo stated that most of the questions in the permanency test were irrelevant in determining whether or not a mobile home could be assessed. This left the tenants very confused to say the least. It also left me very confused.

I want to point out that neither the tenants nor I—nor anyone else in this House probably—are opposed to assessing mobile homes. It is a fair way of determining taxes for mobile homes.

I received a letter from the tenants which ends, "As mobile-home owners we are not opposed to assessment itself but we emphatically oppose the means that have been devised in an attempt to classify us as permanent dwellings. We feel that since mobile homes as such are not mentioned in The Assessment Act, we should have at least the right to seek, in writing, legislation recognizing the special status of mobile homes wherein guidelines pertaining to their assessment would be clearly stated. This should be done before we are asked to pay taxes like other home owners and this would then grant us the rights and privileges enjoyed by other home owners and taxpayers in the province."

I agree very much with that but since we are presented at this time with this bill which pertains to a possible licence fee and since it states further on in the bill that no licence fee shall be charged for temporary occupancy by persons who continue to maintain elsewhere a usual or normal place of residence, I don't feel that our amendment affects transient people in trailers. Our amendment is to deal specifically with people living in permanently or almost permanently-placed homes in parks.

It is to set up a way which, hopefully, will let tenants know exactly how their taxation is to be determined so they will have some idea about how taxes are determined for them. They won't have an arbitrary licence fee which has no relevance to the value of their own home. They will have some indication and should be able to appeal if they think the assessment or the taxation is too great because it's based on an inflated assessment.

I don't know how the ministry determines that some homes are assessable and others aren't. It's our position that when they are deemed to be unassessable at least the licence fee should be determined in a fair way.

I understand that the Minister of Revenue and the Minister of Housing met the tenants' association in September and at that meeting the Minister of Revenue admitted that the homes in that particular park were assessed improperly and he ordered a re-

assessment. He stated that he didn't feel any changes in The Assessment Act were required to enable them to assess mobile homes.

The assessment department now is going ahead with the assessing of mobile homes throughout the area and the case before the courts is being continued. I feel that guidelines are needed to ensure fair taxation of mobile homes, taking into account their size as compared to houses, their value and also the fact that they depreciate in value. I would hope that the members would accept this amendment as a step towards that. Licence fees, if they are charged, should not be arbitrary but should be related to the value of the home.

Mr. Swart: May I speak again very briefly? I rise again because the member for Waterloo North raised a question. I'd like to reply to it and in fact, when I was speaking previously, I didn't touch on the mechanics of the application of this amendment.

I think it can be said that there is no real problem at arriving at the value of a mobile home. That is not the question on whether they can be assessed or not. The question is whether they fit under the existing Act. It would be my belief that if this amendment were passed the assessors then would place a value on all mobile homes in the province, the municipality would be notified of those values and they then would levy a fee against the owner of the mobile home park or against the owner of the mobile home, if it wasn't in a park, related to the tax rate in that municipality and the value of that home.

I would point out at the present time that mobile homes are the only class of residences in the whole province—in fact the only class of property in the whole province—where the taxes which they pay—in effect that's what the fee is, it is a tax—are not based on the value of the property in some way. I suggest this is an injustice one way or the other. Some may gain by it, some may lose by it, but it is an injustice that ought to be corrected.

I think that we have to recognize too that mobile homes are becoming, as has been said, more and more permanent. Very few mobile homes are moved in one month and moved out the next. They're usually there for a substantial period of time and there would be the opportunity to assess them. I would also point out there is a provision in the amendment that the first month does not need to be paid in advance.

I believe that there's a tremendous hassle and injustice at the present time. Certainly my colleague from Algoma has pointed out the difficulty that they're having. If we adopted this amendment, it wouldn't much matter any more whether that mobile home was assessable under the details of The Assessment Act or not. They in fact would pay the same amount to the municipality, whether assessed or whether they paid it through a fee. Because it is, I think, much more fair, more equitable to all taxpayers, I would urge the members of this House to support this amendment.

Of course, there are some mechanical problems to it. There are mechanical problems to collecting fees, but I suggest that they're not serious enough that we should throw out the principle of this amendment which, I suggest, is sound.

Finally, just let me say that I certainly have no axe to grind in my area. There is no mobile home in my area. I have no party axe to grind in this, if I may put it that way.

Mr. Conway: Quite a change.

Mr. Swart: I think this is just justice and I think that all the parties in this House should be willing to accept it.

Mr. Norton: Perhaps before dealing with the principles that are involved in this amendment, I might just ask if the hon. member for Welland-Thorold would mind redirecting his question with respect to a statement made back in 1975 in the House by the present Provincial Secretary for Resources Development to that minister in the House during question period.

Not only was I not in the House at the time, I am not familiar with the details of the statement to which he referred and I think the question would be better directed to the minister himself.

It seems to me that when we are looking at the content of this amendment, there are two aspects we have to consider. I think first of all I would like to direct my comments to the question of the tax and the assessment of mobile homes.

Recognizing that there are grey areas, nevertheless it is our position that mobile homes which are occupied on a permanent basis, are in fact taxable in the province. Now there are grey areas and as has been pointed out by the hon. member for Algoma there is a case presently before the courts which may throw some light on this matter and may, in fact, cause the Legislature or the

government to have to take some additional action, depending on the outcome of that case.

But the point is that there is a basis upon which to assess and tax those mobile homes that are of a more permanent nature. And contrary to what the hon. member has suggested, it is based upon value. It is based upon the value of the property.

Here in this particular section we are referring to the licensing of mobile homes. I think it would be those mobile homes that are obviously of a less permanent nature that would be contemplated here.

Take, for example, the complexity of applying your amendment to a situation where say, construction workers moved into a community for a period of a few months; that would clearly be in excess of 30 days. Say they were living in mobile homes. Now under this amendment it would not be possible, I suggest, to charge them a licence fee for that period of time.

Mr. Swart: Oh yes it would.

Mr. Norton: It would still be a licence fee, but under your formula it would be necessary for the assessment commissioner or his staff to go out to assess the value of that mobile home, work out the formula and calculate a monthly rate based on an annual tax base before any fee could be charged. I suggest that in some cases those people could be moving in and out before they could ever get the calculations completed. It unnecessarily complicates some situations by trying to make it too simple in its application on a broad basis.

If there are problems in terms of the assessment aspect of this—and let's direct our attention to that—under the proper legislation let's get that cleared up. Maybe if there is a decision rendered in the case in January it will give us some indication of the direction we have to follow. At the present time we maintain the position that those homes of a more permanent nature are taxable and that to confuse the situation—and with respect, I think it might well do that if this amendment were passed—it would be impossible to make the distinction between licensing and taxing. Even though you may call it licensing, in effect you're still taxing because you have to go through the procedure of assessing and—

Mr. Swart: That's the purpose of it.

Mr. Norton: Right. But that is possible now and all I'm saying is that it would complicate, I think, the area that is contemplated here—those mobile homes which are not presently assessable under the law of the province.

For that reason I couldn't accept the amendment. I think that it would further complicate what has already been indicated is a rather complicated area of assessment. Therefore I would ask that the members of the House, bearing that in mind, not support the amendment on this section that is before the House.

[4:30]

Mr. Ruston: I have, I suppose, one of the largest groups of mobile homes in western Ontario right in my own riding. I suppose we have about 150 in each park. We have somewhere around 500 in total. I understand all of them now are under The Assessment Act.

What concerned me in this amendment was the wording of it. How can you assess something when it is not assessable? As one of the previous speakers said, the judge said they were not assessable because they were on wheels. In here you say the licence fee shall be equal to the pro-rated amount of municipal taxation. I don't know who is going to decide that unless you make them assessable.

It seems to me the key thing that has to be done is that either the law will have to be changed or a different interpretation of it made in some areas of the province so that we are using the same law in all the province. I was under the impression we were, but apparently we are not. This should be righted. But I think the way the wording is here would probably complicate things more than they are at the present time.

Mr. Good: I want to commend the member for Welland-Thorold and the member for Algoma for trying to do something to correct what I think must be a rather isolated problem in Algoma, from what I am aware of and the member for Essex South and other people I have spoken to just this afternoon have said.

I would like to have a commitment from the parliamentary assistant that if the court findings do show a lack in The Assessment Act, we could get some kind of commitment that he could exert every pressure he could on the Minister of Revenue to get that corrected. I think we are now back in a bind where we were a year or so ago when we had to amend The Assessment Act to prevent the double taxation. We have been kicking the matter of trailers and mobile homes around as long as I have been here for the last nine years.

Another problem that has occurred to me concerns those unassessable mobile homes. If a value were put on them even by an assessor they could not appear on the assessment rolls of the municipality. There would be no process for appeal against that assessment that was put on them. It would be just a matter of being at the mercy of someone or the municipality, whoever happened to put a value on that particular home. When you are paying a fee you know what it is; the maximum is designated as $20 a month. If you are being taxed on an assessment which is not an official assessment, you can't appeal it to anyone; you are stuck with that.

I would feel much more comfortable with an amendment that would make sure all the mobile homes in the province were going to be assessed. I would think that is the route we should be taking rather than this particular method.

Mr. Wildman: Mr. Chairman, I appreciate the comments of the members. If the amendment is not accepted by the House or is not passed by the House, I would certainly request, along with the member for Waterloo North, a commitment from the government that it will ensure that these anomalies don't continue, and that The Assessment Act, if it requires changing in order to cover all permanent mobile homes, will be changed.

In the interim, I would request the House to consider accepting the amendment to try to ensure a fair basis on which to determine what is in essence taxation for mobile-home owners.

Mr. Norton: I must point out to the hon. members something which I did point out earlier on second reading, and that is that the whole question of fees, including this, is under review at the present time by a committee including members of the PMLC. I would hope these fees would be looked at as part of the total policy question of fees chargeable by municipalities. I will certainly undertake to relay the concerns that have been expressed this afternoon to the members of that body when I meet with them next.

With respect to the requests that I make a commitment on behalf of the government, I am sure the members opposite realize I am not in a position to commit the government on this matter. I am sure that such a commitment is really not necessary and the hon. Minister of Revenue, pending the outcome of that case, will take whatever action is necessary to clarify the situation.

Mr. Swart: I, too, would like to see The Assessment Act cleaned up in this regard but I would suggest to this House and to the members on the left that the fastest way of doing it is adopting this kind of an amendment.

Mr. Ruston: Not with the wording in that.

Mr. Swart: It will largely eliminate the injustices now and, I think, cause the government to take some pretty speedy action on it. I suggest that's the best way of doing it.

Mr. Ruston: You had better get the member for Riverdale (Mr. Renwick) to look over the wording.

Mr. Chairman: All those in favour of Mr. Swart's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the "nays" have it.

Shall we stack it?

Agreed.

Mr. Chairman: Are there any comments or amendments to any other section of the bill prior to section 19? If so, what section?

Mr. Swart: Mr. Chairman, to section 15.

Sections 11 to 14, inclusive, agreed to.

On section 15:

Mr. Swart: Mr. Chairman, you were not in the chair at the time, I believe, when we started to deal with the previous amendment which was to section 10. I made the statement at that time that there were two similar matters. Section 10 dealt with mobile homes outside a mobile home park and this deals with mobile homes within a mobile home park and the assessment of the fee.

I think the discussion that took place by everyone covered the principle of both and I will just now move this motion and make no further comments on it.

Mr. Chairman: Mr. Swart moves that section 15 of the bill be struck out and the following inserted in lieu thereof:

"Paragraph 15 of section 383 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 81, section 4, 1972, chapter 124, section 14, and 1974, chapter 136, section 19, is amended:

1, by striking out 'and for designating areas of land to be used as tourist camps, trailer camps or motels, and for prohibiting the use of other land for such purposes' in the

second, third and fourth lines, so that the paragraph, exclusive of the clauses, reads as follows: '15. For licensing, regulating and governing tourist camps, trailer camps and motels;'

2, clause (b), of paragraph 15 of the said section 383, is repealed and the following substituted therefor: (b) Any bylaw passed under this paragraph may, among other things,

"i. require trailer camps to be divided into lots, each to be made available for the occupancy of one trailer;

"ii. require an occupancy licence fee payable monthly by the owner of the trailer camp for each such lot occupied by a trailer and the licence fee except for the first 30 days, may be made payable in advance,

"iii. notwithstanding that the trailer may not be assessable under The Assessment Act, the licence fee shall be equal to the prorated amount of municipal taxation that would apply if the trailer were eligible for assessment under The Assessment Act.

"iv. no licence fee shall be charged for temporary occupancy by persons who continue to maintain elsewhere a usual or normal place of residence or for occupancy by trailer that is assessed under The Assessment Act.

"v. such occupancy licence fees shall be apportioned among the bodies on which a municipality is required to levy a rate in the same proportion that municipal taxes levied in the preceding year on residential assessment for each such body bear to the total taxes levied in the preceding year on residential assessment for all purposes."

Mr. Swart: May I make one further comment. I admit that the wording in these amendments is complex but unfortunately it had to be to introduce the principles, the details, we wanted introduced. I would say to the member who questioned the wording that there was consultation with the legislative consultant on this. Much of the wording was done by him and therefore I would say that the wording is correct and appropriate.

Mr. Chairman: Does any other member wish to speak to the amendment?

The hon. member for Kingston and the Islands.

Mr. Norton: I might just say that I think that the principle involved in this amendment is the same as in the last one that we were dealing with and our position would be the same for the very same reasons.

Mr. Chairman: All those in favour of Mr. Swart's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the "nays" have it.

Shall we stack it? Sections 16 to 18 inclusive agreed to.

On section 19:

Mr. Chairman: Mr. Norton moves that the bill be amended by adding thereto the following section: "19. Subsection 1 of section 553 of the said Act as re-enacted by the Statutes of Ontario, 1976, chapter 51, section 16, is repealed and the following substituted therefor:

"(1) not withstanding any special Act but subject to subsection 2, the treasurer, collector or county treasurer as the case may be shall add to the amount of all taxes due and unpaid interest at the rate of one half of one per cent per month for each month or fraction thereof from the 31st day of December in the year in which the taxes were levied until the taxes are paid provided that the council by bylaw may increase such rate to a rate not exceeding one per cent per month.

"(2) notwithstanding subsection 1 or any special Act, the council of a local municipality may, by bylaw, require that the treasurer, collector or county treasurer as the case may be add to the amount of all taxes due and unpaid interest at such rate not exceeding 12 per cent per annum as the council determines from the 31st day of December in the year in which the taxes were levied until taxes are paid.

"(a) No interest or percentage added to taxes shall be compounded.

"And that sections 19 and 20 of the bill be renumbered as sections 20 and 21 respectively."

Mr. Good: I just have a question, Mr. Chairman. Is this the amendment that was necessary to clarify the procedure whereby people could get away with just adding one day's interest to their taxes if they were one day late rather than one month? I understand that this situaion had arisen and because of the wording of the present amendments we had put in, interest was just being added for a certain number of days. Is this going to correct that situation?

Mr. Norton: I am sorry, I am not sure that I heard all of what you said but if my answer doesn't answer the question you asked, stop me.

If you recall, back in the spring session this year, this Legislature passed an amend-

ment that changed the basis upon which municipalities would collect the penalty or interest for overdue taxes. Because of the complexity that created for some of the very small municipalities when they were faced with the necessity of calculating a per diem rate of interest as opposed to a penalty that could be imposed on a monthly basis, at the request of the municipalities and the AMO what we have done in these amendments is to reinstate for them the earlier possibility. They have the option now of either charging 12 per cent per annum or one per cent per month; the option would be open to them.

This particular amendment that we are dealing with now does not deal specifically with the collection of overdue taxes within the year in which they are owing, but it is a necessary amendment to be consistent, because what it does is it deals with taxes after the 31st of December in the year in which they are owing. In other words, the same provisions would apply into the succeeding year if taxes remained outstanding.

Does that answer your question?

[4:45]

Mr. Chairman: Any other comments on the minister's amendment?

Section 19, as amended, agreed to.

Mr. Chairman: Any other comments on any other section of the bill?

Mr. Norton: If we are going to proceed with the other bills, there may be other amendments. There is The Regional Municipalities Amendment Act—

Mr. Swart: We have no other amendments.

Mr. Norton: You have no other amendments? We have one additional amendment in one of the other pieces of legislation, I believe. We aren't anticipating that it will give rise to a division but it is possible; perhaps you would like to deal with it now and have them all stack at the same time.

Mr. Chairman: What bill do you want to deal with?

Mr. Norton: Would it be possible to deal with them in the order in which they appear on the order paper?

REGIONAL MUNICIPALITIES AMENDMENT ACT

House in committee on Bill 150, The Regional Municipalities Amendment Act, 1976.

Sections 1 to 11, inclusive, agreed to.

On section 12:

Mr. Chairman: Mr. Norton moves that the bill be amended by adding thereto the following section:

"12. Section 2 of The Regional Municipality of York Act, being chapter 408 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 78, section 1, is further amended by adding thereto the following subsections:

"2(a). On the first day of February 1977 the corporation of the township of East Gwillimbury is erected into a town municipality being the name of the corporation of the town of East Gwillimbury;

"2(b). Sections 17, 19 and 22 of The Municipal Act apply mutatis mutandis in respect of the erecting of the corporation of the township of East Gwillimbury into a town municipality;

"2(c). A reference in this or any other general or special Act to the corporation of the township of East Gwillimbury or to the township of East Gwillimbury shall be deemed to be a reference to the corporation of the town of East Gwillimbury and to the town of East Gwillimbury respectively; and that the remaining sections of the bill be renumbered accordingly."

The hon. member for Kingston and the Islands said "the first day of February 1977." Did he mean that or was it of January?

Mr. Norton: The first day of January, Mr. Chairman. Thank you very much for correcting me.

Section 12, as amended, agreed to.

Section 13 to 62, inclusive, agreed to.

Bill 150, as amended, reported.

MUNICIPALITY OF MUSKOKA AMENDMENT ACT

House in committee on Bill 151, An Act to amend The District Municipality of Muskoka Act.

Bill 151 reported.

MUNICIPALITY OF METROPOLITAN TORONTO AMENDMENT ACT

House in committee on Bill 152, An Act to amend The Municipality of Metropolitan Toronto Act.

Bill 152 reported.

COUNTY OF OXFORD AMENDMENT ACT

House in committee on Bill 153, An Act to amend The County of Oxford Act, 1974.

Sections 1 to 5, inclusive, agreed to.

On section 6:

Mr. Chairman: Mr. Norton moves that the bill be amended by adding therto the following section:

"6. Subsection 1 of section 43 of The Public Transportation and Highway Improvement Act shall be deemed not to apply to the county; and that section 6 and the remaining sections of the bill be renumbered."

Mr. Norton: Perhaps I might explain briefly why this amendment is being introduced. In each of the regional bills and in The County of Oxford Act we have an amendment that eliminates the mandatory requirement that a municipality appoint a civil engineer as the superintendent of roads. Because of the status of the county of Oxford as a county, it is subject at the present time to the cited section in The Public Transportation and Highway Improvement Act which places upon it certain requirements with respect to a civil engineer being the superintendent. In order to be consistent the amendment was introduced to give it the same authority as the regional municipalities, for example. And recognizing its status as a county, we have introduced this amendment so as to exclude it from the application of the provision of The Public Transportation and Highway Improvement Act.

Mr. Good: Does the member for Oxford (Mr. Parrott) approve of this amendment?

Mr. Norton: I am sure he is wholeheartedly in support of it.

Motion agreed to.

Section 6, as amended, agreed to.

Sections 7 to 15, inclusive, agreed to.

Bill 153, as amended, reported.

Mr. Chairman: Call in the members. There is a division on Bill 149.

On resumption:

Mr. Chairman: We have three amendments to Bill 149 and it's agreed that the Chair should put them all at once.

Mr. Swart moved that subsection 1(a) of section 296 of the Act as set out in section 5 of the bill be struck out and that subsection 1(b) be renumbered as subsection1.

Mr. Swart further moved that clause (c) of paragraph 87 of subsection 1 of section 354 of the Act as set out in subsection 7 of section 10 of the bill, be amended by striking out "but no licence fee shall be more than $20 per month" in the fifth and sixth lines, and the following inserted in lieu thereof, "and notwithstanding that the trailer is not assessable under The Assessment Act, the licence fee shall be equal to the pro-rated amount of municipal taxation that would apply if the trailer were eligible for assessment under The Assessment Act. Such licence fee shall be apportioned among the bodies for which the municipality is required to levy a rate in the same proportion that municipal taxes levied in the preceding year on residential assessment for each such body bears to the total taxes levied in the preceding year on residential assessment for all purposes."

Mr. Swart further moved that section 15 of the bill be struck out and the following inserted in lieu thereof:

"15 (1). Paragraph 15 of section 383 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 81, section 4, 1972, chapter 124, section 14, and 1974, chapter 136, section 19, is amended by striking out 'and for designating areas of land to be used as tourist camps, trailer camps or motels, and for prohibiting the use of other land for such purposes' in the second, third and fourth lines, so that the paragraph, exclusive of the clauses, reads as follows: '15. For licensing, regulating and governing tourist camps, trailer camps and motels.'

"Clause (b) of paragraph 15 of the said section 383 is repealed and the following substituted therefor: '(b) Any bylaw passed under this paragraph may, among other things,

'i. require trailer camps to be divided into lots, each to be made available for the occupancy of one trailer,

'ii. require an occupancy fee payable monthly by the owner of the trailer camp for each such lot occupied by a trailer and the licence fees, except for the first 30 days, may be payable in advance,

'iii. notwithstanding that the trailer may not be assessable under The Assessment Act, the licence fee shall be equal to the prorated amount of municipal taxation that would apply if the trailer were eligible for assessment under The Assessment Act,

'iv. no licence fee shall be charged for temporary occupancy by persons who con-

tinue to maintain eleswhere a usual or normal place of residence or for occupancy by a trailer that is assessed under The Assessment Act,

'v. such occupancy licence fees shall be apportioned among the bodies for which the municipality is required to levy a rate in the same proportion that municipal taxes levied in the preceding year on residential assessment for each such body bears to the total assessment levied in the preceding year on residential assessment for all purposes.' "

The committee divided on Mr. Swart's amendments which were negatived on the following vote:

Ayes 28; nays 64.

Bill 149, as amended, reported.

On motion by Hon. Mr. Handleman the committee of the whole House reported three bills with amendments and two bills without amendments, and asked for leave to sit again.

Report agreed to.

[5:30]

Mr. Speaker: Just before we call the next order of business I beg to inform the House that the notice of dissatisfaction to a response to a question to the Minister of Colleges and Universities previously filed by the hon. member for Scarborough-Ellesmere has been withdrawn at the request of the member for Scarborough-Ellesmere.

Mr. Warner: On a point of order, I think it should be noted that I withdrew it so that the minister could retain the commitments that he had made in his own riding for this evening and that the matter will be dealt with at a later date.

House in committee of supply.

SUPPLEMENTARY ESTIMATES, MINISTRY OF HEALTH

Hon. F. S. Miller: When this House last debated the Health estimates for the fiscal year 1976-77 in June, we were dealing with a total of $3,374 billion. In view of the discussions taking place at that time, I doubt if it will be a great surprise that it is now necessary to present supplementary estimates totalling approximately $117 million, covering items where developing circumstances have dictated certain adjustments.

Before going into detail, I can tell you in general the need for these supplements will be found to be due to one or more of only three causes. The first one, for which we have to accept most of the responsibility is that in some budgeting areas we were too optimistic about the time elapsing before our major programme of restraints would take full effect. In other words, although we are now saving money, we did not start to do so as early as hoped. In the second case, which is more serious in its effect, about half of the total of the supplementary amount is attributable to the fact that, like other people, we put a literal interpretation on Ottawa's anti-inflation guidelines.

The salary awards that recognized the catch-up principle to be exercised before the AIB rules were applied were simply not anticipated. And I do not see how they could have been. As a result, in certain areas the constraints measures we had proposed had to be seriously cut back or delayed. In the third case, a proportion of the supplementary amount has been required for such things as the unforeseeable circumstances of a threatened swine flu epidemic. Now I will speak about the specific items.

The first, under ministry direct services, provides for an additional $1,567,500 above the originally estimated $35.5 million for ambulance and related emergency services. Labour settlements up to 24 per cent due to catch-up, which I have just spoken about, account for part of this total. The remainder has been needed because there was some delay in respect of ambulance services operated by certain hospitals and private operators in implementing the constraints programme applying to them.

The second entry, under the heading of institutional care services, covers two items: Hospitals and related facilities; and extended care health insurance benefits.

Mr. Nixon: That's to keep the Paris hospital going.

Hon. F. S. Miller: It is going. The item on hospitals and related facilities, amounting to approximately $92.6 million, represents the biggest part of the supplementary estimates I am presenting today. A large part of this $92.6 million shortfall results from the Anti-Inflation Board catch-up philosophy I spoke of before. Taking into account the amount included in this present estimate, we will be paying out no less than $1.3 billion in this fiscal year on hospital salaries and fringe benefits. With this staggering total, members will realize every single percentage point by which salaries rise adds another $13 million to the health budget.

Mr. Nixon: The fault is in your compulsory arbitration policy.

Hon. F. S. Miller: The other major cause for the shortfall in this area has been the difficulties encountered in implementing the total constraints programmes we had established as a target. One of these difficulties was provided by the court ruling that followed our move to close four of the province's hospitals, a situation with which all members will be familiar.

Mr. Moffatt: Where you acted illegally.

Hon. F. S. Miller: Another obstacle was simply the time factor. There were greater delays than we expected in implementing the constraints package generally. Nevertheless, the constraints package has saved $26.2 million.

Mr. Nixon: The delay has been about six years. Who was that doctor you fired from your staff?

Mr. Deputy Chairman: Order, please.

Hon. F. S. Miller: To avoid confusion, next year hospitals will be going on a fiscal year that coincides with the ministry's. Budget letters are going out today or tomorrow. Hospitals have been allocated a bottom line-amount for a 15-month period, allowing them greater flexibility in determining their own priorities within this dollar allocation. They are also getting increased lead time for planning, which will eliminate another of the difficulties experienced in the past.

The other item under the same heading, $12,056,000, is required for nursing-home benefits. In part, these increases are attributable to a speedup of construction, putting new nursing homes into operation earlier than previously anticipated. As a result, the total number of nursing-home beds rose from 24,853 in March 1975 to 25,965 a year later —an increase of 4.5 per cent. Another part of the total amount is caused by cost increases in the nursing-home industry, requiring us to agree to a larger per diem increase than anticipated.

The third item on the supplementary estimates, under the heading of personal health services, is an amount of $1.2 million for our home-care programme. I am sure all members are fully acquainted with how this home-care programme operates and of how much this innovative and low-unit-cost service can contribute to reducing the time spent by patients in hospitals, in some cases eliminating the need for hospitalization at all.

Overall, the cost of this programme has been growing at a rate of 30 per cent to 35 per cent annually over the past three years, against a 15 per cent increase in patients. During 1974-75, the number of patients receiving home care was 42,651. In 1975-76, the number was 48,990. Earlier this year there were indications that its extent of utilization might be levelling out, but I am by no means sorry to say this has not happened.

I say that I have not been sorry to see the demand continuing to grow because, in many ways, we would like to see it growing still faster, and to be asking still more money for its support. But even if the constraints programme allowed us to do so, we must recognize that home care is still a relatively new development that must be allowed to expand at an even rate. This will allow us to monitor its progress, and find out how and where it can be applied most beneficially.

Three highly important pilot projects, for example, are currently under way in Hamilton, Kingston and Thunder Bay, where we are experimenting with the application of long-term home care for chronically ill patients. These are by no means small-scale projects. We are, in total, allocating to them nearly $2 million of this year's budget, and the caseload is, at present, around 750 to 800 patients.

In itself, long-term home care—a service that allows chronically or terminally ill patients to remain in their own homes either to the end or until the time when there is no alternative to institutional care—is clearly more expensive than normal home care for a limited duration, for a sickness or an injury, simply because of the unlimited period for which it may be required. Because of this, members will not be surprised to hear that the long-term home-care pilot projects will be taking almost half of the total supplementary amount of $1.2 million.

On the other side of the coin, of course, is the fact that if these pilot projects prove as beneficial as we hope for every dollar spent on long-term home care, several dollars should eventually be saved on institutional care.

Of course, these dollars are important, but equally important is the human consideration. The spectre of long, empty, lonely years inside an institution haunts many of our elders, and I believe long-term home care, if it is found to operate successfully, will remove a great deal of that inevitably miserable prospect.

The fourth and final entry on the supplementary estimates for the other community

health services covers two items totalling $9.62 million, all but a small fraction of which is in respect of the swine flu vaccine programme. The whole of the first item, $5.85 million, is to cover the cost of the various vaccines. That is to say, it covers the combined swine and Victoria flu vaccine for the elderly and for the chronically ill adults.

Mr. Nixon: You were giving us Victoria injections today.

Hon. F. S. Miller: No, what I was giving you really wasn't the same thing as I was giving other people. To continue: —the swine flu vaccine for adults, from 20 to 65—

Mr. Nixon: I think you better clarify that just before I go to the hospital.

Hon. F. S. Miller: There are several ahead of you.

Mr. Breithaupt: Or the stockyards, whichever it is.

Hon. F. S. Miller: The price of beef has dropped, too.

Mr. Mancini: It is pork.

Mr. Breithaupt: It is pork, not beef.

Hon. F. S. Miller: To continue—the swine flu vaccine for adults from 20 to 65 years old, and for a limited amount of quantity of combined Victoria and Hong Kong flu vaccine, together with the necessary hypospray jet equipment—which was being used today—needles, syringes and the like, plus distribution and maintenance costs.

Mr. Nixon: Is there a Hong Kong flu threat?

Hon. F. S. Miller: Yes.

Mr. Nixon: I think you are setting up a straw man.

Hon. F. S. Miller: No, not a straw man. Similarly, more than half of the second item of $3.77 million has to go to local health agencies to cover the cost of actually administering the appropriate vaccine to the public. The balance of this item is mainly for increases in grants for unorganized territories and mosquito-spraying expenses connected with a possible encephalitis threat in southwestern Ontario.

I'm sure that without any further discussion from members of the opposition, they'll be pleased to vote on my estimates.

Mr. Deputy Chairman: I assume it is the pleasure of the committee that we deal with these votes item by item.

On vote 3002, institutional health services programme; item 2, ministry direct services:

Mr. McClellan: Mr. Chairman, I want to take the opportunity in leading off to raise a matter of some very real current urgency. That relates to the situation at the Huronia Regional Centre in Orillia. Last week, we received the Willard report, the study of the situation—

Mr. Deputy Chairman: Order, please. I don't see that this would be in this vote.

Mr. McClelland: I believe that traditionally we are allowed a short leadoff statement.

Mr. Deputy Chairman: I think on the supplementary estimates we have to keep our remarks to the particular vote, do we not?

Mr. McClellan: That has been the tradition since I've been here.

Mr. Deputy Chairman: Not on a supplementary estimate. A point of order?

Mr. Dukszta: Mr. Chairman, an opening statement always deals with the whole estimate and if the minister is proposing to spend extra money, he tries to answer to the House on what he's proposing to do with the latest suggestions made in the Willard report. That's why the member for Bellwoods is speaking on it. Where will the money come from to implement certain suggestions made in the Willard report?

Mr. Deputy Chairman: It is the Chair's understanding that on supplementary estimates the comments must be directed to those particular supplementary estimates we're voting on. As far as I am concerned the Willard report doesn't fall under this particular vote.

Mr. McClellan: Speaking to the point of order, I recall that when the supplementary estimates for the Ministry of Community and Social Services came forward last spring the minister and each of the critics made lengthy introductory remarks dealing with some of the very real problems which were current in that ministry. I expect to be able to do the same thing, rather briefly nevertheless, today.

Mr. Deputy Chairman: It would seem to the Chair again that what happened last spring perhaps was that the Chairman at that particular time had a different interpretation of the rules. It is my understanding, as I say again, that we must deal directly with the

various votes we're considering at this particular time. I am not aware that the Willard report or any of the moneys that might be necessary to implement that report fall under item 2 of vote 3002. Perhaps the hon. minister might clarify it and then the Chair will make a ruling.

Hon. F. S. Miller: As you know, I think the Willard report was commissioned by the Ministry of Community and Social Services. It certainly has overtones affecting my ministry but I can make no other comment except that, if one is looking at direct services, they handle that type of service but the money we are appropriating here was really for ambulances.

Mr. McClellan: If they handle that type of service I am entitled to speak to the issue. If the moneys are not allocated I am entitled to question the wisdom of the ministry in not allocating those moneys.

Hon. F. S. Miller: I suggest they are in the 1977-78 year when decisions will be made following from that.

Mr. McClellan: I am still entitled to argue that they ought to be in the supplementary estimates now. I would like to be able to make that point in—

Mr. Deputy Chairman: I would again say that it is the Chair's opinion that the moneys necessary to implement the Willard report, as far as this ministry is concerned as the minister has indicated, would fall within the budget of the 1977 fiscal year. We are not dealing with moneys that are going to be appropriated for that particular expenditure in 1976 and I feel that any further discussion on the Willard report is out of order at this time.

[5:45]

Mr. McClellan: Mr. Chairman, I'm sufficiently unfamiliar with the rules to know how to protest this, but I protest it very, very strongly. I am entitled to challenge the way that this ministry—our party is entitled to challenge—

Mr. Deputy Chairman: Are you challenging the Chairman's ruling? If you are, would you say so and we'll deal with it.

Mr. McClellan: Yes.

Mr. Deputy Chairman: All those in favour of the Chair's ruling at this point will say "aye."

All those opposed will please say "nay."

In my opinion the "ayes" have it.

The Chair's ruling is upheld.

Will the hon. member for Bellwoods continue? It would seem to me that the hon. member could debate in the budget debate or any other debate but not at this particular time. The hon. member will continue.

Mr. McClellan: If you want to muzzle debate, you can muzzle debate.

Interjections.

Mr. Conway: A brief comment on the ambulance question in vote 3002. Mr. Minister, I just wanted to take this opportunity to draw to your attention the ongoing problems that a particular ambulance operator has had in my riding. It seems to me that in over the past number of months that problem has become almost endemic and certainly has ramifications far beyond the particular jurisdiction from which I come.

I just wanted to take this opportunity to express on behalf of many of the private operators, particularly, their sense of frustration at the ongoing confusion that seems to be characterizing the flow of moneys from your ministry to them in their particular budget allocation. I must say that I'm not pleased with the rather sketchy details in your opening remarks with respect to ambulances, because I thought you might have availed yourself of this rather good opportunity to make some comment to this situation that I know you know to be serious, if on no other point than simply that of the lack of confidence that many of the operators of ambulances, both private and otherwise, are experiencing at the present time.

I believe there is a meeting there today in Toronto of the ambulance operators in Ontario. I have spoken to a number of those people and one of the things that they were hopeful of this afternoon in this particular supplementary estimates debate, would be your clarification, if possible, of the budgetary problems that they have been facing, particularly with the disparities.

One of the concerns that my private operator and the people who work for him at Petawawa have is about the lack of policy. I have a very, very lengthy letter to me dated November 16, 1976, from the regional co-ordinator in eastern Ontario, Mr. Jerry Bahr, and I would like to take this opportunity to put on the record that while we've not always been happy with what Mr. Bahr had to relate to us in eastern Ontario about the ministry's position, his availability and

his co-operation have been splendid and have been very much appreciated by me and certainly by all those people who are active in the ambulance sector of the eastern Ontario health business.

I know the hon. member for Brant-Oxford-Norfolk wants to make a contribution and I don't want to prolong this but—

Mr. Nixon: No, no. You're doing very well indeed. Read that lengthy letter.

Mr. Conway: Mr. Minister, it is a concern to me and to them that there appears to be an ongoing confusion and frustration as to the finances for these operations. The people in Petawawa, for example, are a private operation, you know that. They find the people who work for that private operator are frustrated at the disparity in dollars on an hourly rate provided to them, granted, by the private operator. It's very clear in the letter from Mr. Bahr that the compensation is a matter over which the government sees is to be agreed to by the private operator and the people who work for him.

But I'll tell you, an example of the situation that exists in our county is that people who work for the government-run operation in Renfrew are receiving, I think on average, as much as $1.50 per hour more than the people privately employed in Petawawa. That kind of disparity together with all the budgetary problems has done little to encourage confidence particularly in Petawawa at Earl's Ambulance in the ability of this particular ministry to provide a measure of equality throughout this very important aspect of this ministry.

The one point I wanted to raise under vote 3002, item 2, was hopefully an expression of concern on behalf of the people, particularly at Earl's Ambulance in Petawawa, but also for many of those operators in the private sector because of the problems they're experiencing almost in liaising with this ministry on the budgetary questions in particular.

Mr. Samis: Let's hear it for Earl.

Hon. F. S. Miller: I'm aware that there have been a number of problems with ambulance budgets in the year 1976, mostly because we didn't apply the constraints to them that we had originally intended to because we were late in the year advising them. The things the hon. member is talking about really are the salaries paid to individuals working for different ambulance services around the province.

I quite openly admit there are variations in this. I suggest to you that if you take any trade and go around the province and look at the rates government pays a particular tradesman if they work for a government hospital and the rates somebody in the community pays for that same trade if they work for the private enterprise, they will have considerable variation also.

We have had in certain cases, to have provincially-operated ambulance services, simply to maintain services in some towns. It is our desire to get out of those operations when we can and return them either to hospitals or, failing that, to private enterprise operators. We are working with groups and, I think, recognizing their legitimate requirements when negotiations result in increases in salaries.

Mr. Conway: Just briefly, I don't altogether disagree with what the minister says about the economic realities of regional disparity in a province and in a country such as we have in this part of North America. But I'll tell him that in my county the disparity that exists between the government operation in Renfrew and the private operation in Petawawa of about $1.50, if not more, per hour is a disparity within the county that he's not likely to find anywhere else. The real problem lies in convincing the people who work for the private operation in Petawawa that there's some justice at the county level in this kind of an operation.

I'd ask, very briefly, what success is the minister having with the phasing out of operations, such as the one in Renfrew, which, from what I've been able to gather, are financially of great concern to him because of the disparity aspects that he addressed himself to earlier?

Hon. F. S. Miller: The hon. member is talking about the amalgamation of different units around the province. We haven't been pushing that as hard as perhaps we would like to simply because there's a great deal of community support for ambulance services wherever they may exist.

Mr. Mancini: That is why you tried to put them back.

Hon. F. S. Miller: If we tried to rationalize all of the services we could, there are a good number in the province that would disappear. We've been working on communications, trying to make sure we've got better dispatch methods. I think that's paid off in most parts of the province. Now we're slowly

working more or less on a voluntary rather than a forced basis to see if we can't see certain amalgamations around this province.

Another thing we're working on that often causes dismay is limiting the number of hours that a particular service is operating when another one nearby is able to cover quite adequately in the quiet hours of the night. All of these things meet with resistance at the local level because people are always a bit nervous about the lack of a manned vehicle during the night.

Mr. Conway: Just briefly again on that point, I am wondering if the minister would care to comment at this point in time how successful he and his ministry are being in their efforts to involve people at a volunteer level. I speak of the case we have in Deep River where the volunteer alternative was sought after and, at last report, I was under the impression that some progress was being arrived at. I wonder if the minister would care to comment as to how he sees the volunteer alternative as a way of reducing government involvement in much of the ambulance expenditures across Ontario, particularly in a northerly riding such as my own.

Secondly, what success to date are you having in encouraging people, particularly in areas such as my own, to have their own volunteer service? In the city of Pembroke, there is a paid service and 30 miles away in Deep River now the suggestion is being made that a volunteer service should be provided. I'm wondering what success you're having.

Hon. F. S. Miller: I am told we have 27 volunteer services in the province and that we're working with Deep River. I think they are preparing a proposal right now. Certainly I like them. Most smaller towns in Ontario have volunteer fire services and they work very well.

Mr. Wildman: They don't get any money from the government.

Hon. F. S. Miller: We pay a lot of money from the government for ambulance services I must say.

Mr. Wildman: Not for most volunteer fire equipment.

Hon. F. S. Miller: I was just relating the two. I would say that in fact there are probably a number of other places in the province where we could change full time services to volunteer services and make very real savings if we could convince the communities that the level of stand-by service was adequate.

Mr. Mancini: That's a switch.

Mr. Conway: Do you think you can convince them? And in fact are you trying to convince them?

Hon. F. S. Miller: I am going to answer yes to both.

Mr. Makarchuk: I wonder, Mr. Chairman, in view of the time whether it would be wise to adjourn the debate on this matter and resume at 8 o'clock, or do you wish me to proceed?

Mr. Breithaupt: How much more debate might there be, Mr. Chairman?

Mr. Deputy Chairman: How much more debate would there be? I think I have another one or two speakers indicated here from—

Mr. Breithaupt: We could call it 6 o'clock and then—

Mr. McClellan: We have about eight speakers.

Mr. Breithaupt: Fine, we'll call it 6 o'clock.

The House recessed at 6 p.m.

APPENDIX

(See page 5199)

153. Mr. Angus: Inquiry of the ministry—Would the Minister of Government Services please list the yearly payments and the length of the lease agreement for those buildings in northern Ontario leased to the province of Ontario, and constructed by Dante Gasparotto, Group Buildings Systems Limited, Ormiston Investments, and Tom Jones and Sons?

Answer by the Minister of Government Services.

The following is a list of the information requested in question 153:

Lessor	Building location	Lease cost per annum	Lease expiry date
Dante Gasparotto	Thunder Bay	$ 43,356.00	July 31, 1982
Tom Jones and Sons Ltd.	New Liskeard	84,000.00	Feb. 20, 2002
Tom Jones and Sons Ltd.	Dryden	324,000.00	Oct. 31, 2002
Tom Jones and Sons Ltd.	Thunder Bay	283,013.16	Nov. 30, 2004
Tom Jones and Sons Ltd.	Thunder Bay	45,864.00	Dec. 31, 1979
Tom Jones and Sons Ltd.	Thunder Bay	7,404.00	Sept. 30, 1977
Ormiston Investments	Nestor Falls	10,992.00	Oct. 31, 1991
Group Building Systems Limited	Thunder Bay	165,433.80	Nov. 30, 2003

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Handleman, Hon. S. B.; Minister of Consumer and Commercial Relations (Carleton PC)
Irvine, Hon. D. R.; Provincial Secretary for Resources Development (Carleton-Grenville PC)
Kerrio, V. (Niagara Falls L)
Lewis, S.; Leader of the Opposition (Scarborough West NDP)
MacBeth, Hon. J. P.; Provincial Secretary for Justice and Solicitor General (Humber PC)
Makarchuk, M. (Brantford NDP)
Mancini, R. (Essex South L)
McClellan, R. (Bellwoods NDP)
McKeough, Hon. W. D.; Treasurer, Minister of Economics and Intergovernmental Affairs (Chatham-Kent PC)
McMurtry, Hon. R.; Attorney General (Eglinton PC)
Miller, Hon. F. S.; Minister of Health (Muskoka PC)
Moffatt, D. (Durham East NDP)
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Parrott, Hon. H. C.; Minister of Colleges and Universities (Oxford PC)
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Welch, Hon. R.; Minister of Culture and Recreation (Brock PC)
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Tuesday, November 30, 1976

Evening Session

Speaker: Honourable Russell Daniel Rowe
Clerk: Roderick Lewis, QC

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A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

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LEGISLATURE OF ONTARIO

The House resumed at 8 p.m.

SUPPLEMENTARY ESTIMATES, MINISTRY OF HEALTH

(continued)

On vote 3002, institutional health services programme; item 2, ministry direct services:

Mr. Chairman: The hon. member for Brantford was about to say something.

Mr. Makarchuk: I would like to touch on the matter of the ambulance service in the city of Brantford and Brant county. Before the minister embarked on his austerity programme or whatever it is, we had an excellent ambulance service that was fulfilling its functions. The people in the community had confidence in the service and they were quite happy with what was going on. Then you decided to start cutting back and cutting out. Consequently, there is a great deal of concern in the community about what is happening when you talk to some of the people who have had dealings with the service.

The other day a gentleman approached me and pointed out that he had to wait two hours for an ambulance to appear at his doorstep. He said it was lucky it was not an emergency situation for he had to wait two hours.

I have received letters from other people where the ambulance attendants who arrived on the scene were not properly trained. In this case, it was a heart attack case that eventually was fatal. They did not have oxygen. They did not provide the proper care for the patient en route to the hospital. In fact, they weren't even able to get to the hospital in time. The gentleman who told me about it did all sorts of things around the apartment. Eventually he got in his car to follow the ambulance and found out that they were sitting in the middle of the street doing nothing.

There was another letter that was sent—and I am going to read this letter into the record—to Mr. Brubacher from the Brantford General Hospital. The letter is dated November 23, 1976.

"Dear Mr. Brubacher:

"The executive committee of the board of governors of this hospital has unanimously directed this appeal to you for the establishment of a more permanent ambulance service for the city of Brantford at the earliest possible time. Allowing for past promises of such an arrangement at a much earlier date, the latest being September of this year, you can gather some appreciation of the frustration that has developed. As further delays can only add to this frustration, the committee further specifically directs that such assistance as necessary be sought, including that of the Brant County District Health Council and Mac Makarchuk, MLA for the riding of Brantford.

"While we have reason to believe that not all of the many complaints aired on an open line radio programme are entirely valid, we are aware of many instances creating a general atmosphere of dissatisfaction. Extended use of an interim service is considered to be largely responsible for this deteriorating situation, mainly because it has proven a barrier to good communication and understanding.

"The medical staff of this hospital is both disappointed that no one fulfilled an understanding to attend a full staff meeting and frustrated that continued efforts to effect such a meeting are not materializing. Also, nurses and other staff would like opportunities to exchange information which can only be beneficial to the patient. There are also those problems inherent with changing personnel who obviously are not familiar with the city and district, thus delaying calls. We need not remind you of the changes which accompanied this transfer of the service from the Brantford fire department but we emphasize the ramifications of such changes to those long associated with the excellent service rendered by a competent, co-operative and disciplined staff carrying out their duties in a consistent manner.

"Administratively, we have no complaints with the service being based at this hospital, other than to support the contention that it is difficult, if not impossible, to find a contact with authority to speak for the service. No one seems to know why the telephone service, which creates annoyance and potential hazard in the emergency department,

wasn't modified long ago. Perhaps this would partially explain the frustration of one of your attendants who stated he could solve the matter by taking the patient to other hospitals.

"We trust that you will take this request and these supporting remarks in the spirit in which they are given and that you will not hesitate to seek our assistance if we can be of any help."

The letter is signed by K. J. Muir, administrator of the Brantford General Hospital.

I think you are aware that there has been a change. As I understand it at this time, you are looking for somebody to take over the service in Brantford on a permanent basis and you have been looking for quite some time. Could you at this time give us some indication when you are going to make up your mind? When are you going to have a permanent ambulance service, who is going to administer or run that ambulance service, where is it going to be operated out of, and when can the people in that area count on you to provide the kind of ambulance service or something similar to what they had before you got your hands on it?

Hon. F. S. Miller: They will have a much better one than they had before we got our hands on it. I lived in Brantford at one time, too. You know full well that the service in Brantford was run by the fire department. You know full well that they didn't have any people trained through the Borden course in that department. That was probably the major reason we had to reconsider the change and why we've had to have it operated for a short term until such time as we've got trained operators.

Proposals were called for; we've accepted them. We have now got a name up and I'm told that within next week or so the new people will be named and will be operating by the first of the year.

I get tired of the complaints about the ambulance service in this province. Go somewhere else, to some other province, and you'll discover how lucky we are in this province to have a very fine, well-operated, well-trained system, one which most people consider to be the best in North America.

Mr. Makarchuk: Mr. Chairman, I'd like to correct the minister—

Mr. Nixon: The ambulance service?

Hon. F. S. Miller: In Ontario.

Mr. Makarchuk: —about there not being trained people available. The people who ran the ambulance service were fire department people and I think most of them, if not all of them, had taken a St. John Ambulance course. They were well-trained and knew what they were doing in comparison to what you've got now.

The reason, of course, is that you feel that some of the people you are going to get on staff eventually will go for some community college training and then operate the ambulance service. At this time, as I understand it, I don't think there are very many of them available—or that the courses are available at present for these people to take.

I'm glad to hear that you are going to name the person in one week and by the beginning of the year we will have the ambulance service and you feel that we should consider ourselves lucky. I have to point out to you that we had a good ambulance service there because the local community got together and got that ambulance service there. Admittedly, the ministry paid money into it; there's no question about that. Surely, you don't expect us to be grateful because we have got some of our money back?

The other point is if you wish to compare us to somebody else, I'd like you to sort of discuss these things with some of the people who didn't quite make it to the hospital—persuade them or convince them of how great things are.

Hon. F. S. Miller: You alluded to a two-hour call. First, I challenge you to tell me there was any ambulance in Ontario without oxygen and if you have the details, I'd like to have the details on it. Oxygen is a standard part of every ambulance's equipment in this province. If some ambulance did not have it, I want the details.

The question of a two-hour call must have been a request for the transfer of a patient for routine diagnostic services not for any emergency. We simply code calls from, I think, one to four, on the basis of the information we're given. If it's a code four call I believe it's an emergency; if it's a code one, it may be a transfer. If somebody says to us, "I have to go to the hospital"—you know full well that a lot of people do use the ambulance, in effect, as a taxi service—they may have to wait until there aren't emergency calls or until there are enough spare standby vehicles and that's only proper. We're providing a service which didn't used to be provided by any stretch of the imagination and wouldn't be provided in ambulance services.

Our ambulance service is growing at the rate of some 10 per cent, I think, in volume

of calls per year and we can attribute the great bulk of the increase to simply taxi service not to emergency service.

Mr. Nixon: I don't know if the hon. member wants to pursue his present line of discussion or not but I suppose the one I want to raise with the minister is somewhat similar. It has to do with the Willett Hospital in Paris, Ontario. The minister is aware that he has been to the Willett Hospital to announce to the local board that it would be closed. There was fortunately a strong response from the community and from the courts which has delayed this but the matter pertains to the ambulance service associated with the Willett Hospital. Whether or not Willett closes, and we trust that it will not, there should be a 24-hour service available in the community of Paris.

The hon. member for Brantford (Mr. Makarchuk) has been talking about the shortcomings as he sees them in the service in Brantford but the minister is probably aware, certainly his officials would be, of a reduction in the budget for the ambulance service associated with the Willett in Paris. It's difficult for me to discuss this because the last thing I want to suggest to the minister is that any action should be taken which would facilitate any reduction in service in Paris. If, in any way, he has this in mind surely there has to be an efficient 24-hour service in Paris associated with the Willett Hospital and for those serious cases which can't be treated in one of the smaller community hospitals such as Willett which would facilitate transfer to Brantford or Hamilton or even London.

I understand that the budget in the Willett situation has been substantially reduced. I want to suggest to the minister that we have to beware, certainly from his point of view, of an inconsistency in policy, and that one of the things that must be maintained at a very high rate of efficiency is the ambulance service associated with that hospital. I trust he will be able to assure us that with this additional amount of $1,567,500 sufficient support will be maintained.

Hon. F. S. Miller: We certainly are going to maintain the ambulance service at Willett Hospital, whether it continues to function as an active hospital or not. On the question of the budget at Willett Hospital, I am sure you would share the feeling with me that it is serious. I am told that they had an overspending problem relative to their 1975-76 budget, let alone their 1976-77 budget. That is the area we are attacking —not the quality of the service but the cost relative to other services.

Mr. Hodgson: I sit here in the Legislature and listen to all the complaints against ambulance services rendered throughout the province of Ontario. I represent a riding that has two hospitals—York Central Hospital and York County Hospital—one is at Richmond Hill and the other at Newmarket—and I hear nothing but praise for the ambulance service that is rendered out of both those hospitals to the community. I haven't had one complaint—

Mr. Conway: How about courthouses?

Mr. Nixon: Just don't get sick, Bill.

Mr. Hodgson: —not one complaint against the ambulance service. I have heard a lot of praise for the ambulance service, and I want to pass this on to the minister so that he will have—

Mr. Ferrier: What about courthouses?

Mr. Hodgson: —a little bit of confidence in the services that this government is rendering to the people of the province of Ontario.

Mr. Nixon: You should be moved up into the front row, Bill.

Mr. Renwick: We have confidence in you, Bill, but not in the government.

Mr. Hodgson: This thing of always complaining gets you nowhere.

Mr. Conway: Back to basics.

Mr. Mancini: I am most pleased to rise in these supplementary estimates to speak on the ambulance services that are rendered throughout the province of Ontario and particularly in the great riding of Essex South. I am sure the minister is already aware that we do have a great many concerns in my constituency about the type of finances and the types of intervention that we receive from the director of the ambulance services branch in his ministry.

First of all I would like to speak to the minister about the Harrow ambulance service branch which services the communities of Colchester North, Colchester South and the town of Harrow. It serves approximately 10,000 and some odd people. We have been told that we would have a budget for the year 1976 of around $60,000 and we expected something in that vicinity for the year 1977. However, we have now come under the heavy hand of the restraint in a

programme that has been initiated by this minister in his health budget. We find that we are going to be cut by over one-third—not five per cent or 10 per cent or a few thousand dollars that a small service can cope with, but over 30 per cent of this ambulance service budget is being cut by your director, and we just cannot accept this.

We have met with your director and we have heard all the praise that he has given Mr. Smith and how very capable he is in operating his ambulance service and how we know that he can operate with 30 per cent less. But I would just like to inform the members of this House, he is being paid to operate a 16-hour-a-day service and he operates it 24 hours a day.

Just tell me how he can tell his friends in the community who are involved in a car accident, or are ill with some sickness, "No, we stopped at 4 o'clock," or, "Call Leamington," or, "Call Amherstberg." He's not that type of guy and he wants to give the people in the area a good ambulance service.

[8:15]

He's got students from St. Clair College who are taking these courses but there aren't going to be any jobs for them. He's paying them very low wages and consequently he's getting a high turnover of employees. It's not doing his service any good and it's not doing the people of that area any good at all, either.

We're concerned about how the director of your ambulance services branch can go into an area and say, "Your budget is cut by 30 per cent. We think you're a great guy and we think you know how to operate this ambulance service with a 30 per cent cut—just go out and do it." Like rah, rah, rah! I don't think we can tolerate that type of cutback.

We received resolutions from all three councils and they have been down here to meet with your director. He tells them to speak with the regional man and to visit the other places in the province of Ontario which are in their group. I don't know how he ever came to put the Harrow ambulance services within this particular group because this ambulance service does not do any taxi calls; it's all emergency calls. I'd like your response on that before I carry on.

Hon. F. S. Miller: First of all if you formed a government, perish the thought—

Mr. Moffatt: Don't let it cross your mind.

Mr. Nixon: This time next year you will be back running a train in Santa's Village.

Hon. F. S. Miller: —you would still be faced with getting value for the taxpayer's money. You just don't want value for the taxpayers' money.

Mr. Nixon: You'll be back on the beat. You'll be back on unemployment insurance.

Hon. F. S. Miller: Your ambulance system is making 332 calls a year for a cost of $62,000.

Interjection.

Hon. F. S. Miller: That's about $200 per trip.

Mr. Nixon: It's $200?

Mr. Hodgson: How does that grab you?

Hon. F. S. Miller: When you look at that, I think one should stop and realize that I have the job—

Mr. Mancini: Three to four calls.

Hon. F. S. Miller: —and you would have the job of getting value for the money spent. I would hazard a guess that if the councils had to fork that money out for the service in your area, they would be watching the budget of that operator in a way we are never going to watch it. You know full well they would. Therefore, I am still spending taxpayers' money and I intend to get value for it. If that means we have to curtail the service and have standby at night—I think we could show you how many standby night calls ever occur—then we will have to ask them to do that.

Mr. Conway: What about Uncle Lorne?

Mr. Eakins: Are you trying to make up what you lost in Ontario Place on the ambulances?

Hon. F. S. Miller: Take a look at the budget changes—there was a 21 per cent increase between 1974 and 1975; 39 per cent the next year. The ambulance service hasn't exactly been a slow growth business. All I'm saying to you is at this point we have to start getting value for money and that, sadly enough, means looking for—

Mr. Nixon: You're the one who provincialized it.

Hon. F. S. Miller: —some co-operation between the independents who have tended to run things their own way. Let me tell you,

when these guys were running it with their own cash and collecting the money from the patients, they didn't spend $62,000 a year running the service.

Mr. Mancini: I would like to bring to the attention of the minister—I'm sure he's already heard about this if he's so concerned about the costs—why did you meddle around with the Amherstburg-Anderdon-Malden ambulance service? Why did you fool around with a totally voluntary service which was hardly costing your provincial programme a penny? You wanted to go in there and make those people provincial.

Mr. Nixon: You took it over.

Mr. Mancini: You wanted to take over their dispatch service and they told you they couldn't operate like that and still save the taxpayers a lot of money. But you and your director didn't care at all. You had this big, grand programme in your mind that the whole ambulance service across the province was going to work for the Ministry of Health and here we go.

Mr. Hodgson: You are getting carried away.

Mr. Nixon: You took it over and now you are complaining.

Mr. Roy: You should get up and apologize.

Mr. Nixon: You want to call the tune and now you are complaining about paying the piper.

Mr. Mancini: Now that I'm on the point of the Amherstburg ambulance service—

Interjections.

Mr. Chairman: Would the hon. member for Brant-Oxford-Norfolk (Mr. Nixon) stop interjecting?

Mr. Nixon: Just assisting.

Interjections.

Mr. Hodgson: How many copies of Hansard do you want?

Mr. Roy: It's okay; he's going to be around here longer than you.

Mr. Nixon: Goodbye, Bill.

Mr. Mancini: Now that we're talking about the Amherstburg ambulance service, I believe, if I'm not wrong, that they're spending $40,000 to $50,000 per year from the Ministry of Health, and that the vehicles this service uses were purchased by the donations of the people in that tri-community. It wasn't because of the Ministry of Health. There were $10 and $15 and $20 donations from ordinary citizens and you wanted to put those people out. That's how much you care about restraints.

Hon. F. S. Miller: Mr. Chairman, I'm just tempted a bit. You know, those $10 and $15 collections, which are true, were used to buy a Cadillac because they weren't satisfied with the ambulances other people had in the province, and we still happen to be paying for that unit.

Mr. Mancini: Mr. Chairman, whether they were Cadillacs or not—

Mr. Nixon: Didn't the minister once run a used car lot?

Mr. Mancini: They were bought by the people of that tri-community with their own money and in the way they saw fit. They have over 30 people, and they have a large waiting list of people who want to get on the volunteer ambulance squad. You tried to squash that, so don't tell me in this House about restraint.

Hon. F. S. Miller: Mr. Chairman, at no time have we tried to squash the Amherstburg service. For a volunteer service, $45,000 a year isn't too bad.

Mr. Mancini: They'll be glad to hear that.

Hon. F. S. Miller: Secondly, they do get the money back for their vehicles. While they insisted upon buying them, they still get depreciation allowance in their budget, so they get back the value of a normal vehicle from us. The differential between a Cadillac and a Dodge, which we would have provided, is charged to the local citizens. I have to tell you that in my own honest opinion, you don't get to hospital any safer in a Cadillac than you do in a Dodge.

Mr. Mancini: I feel the minister is making a great to-do about the Cadillac that has been bought by the people of the Amherstburg area. But I'd just like to tell the members of this House that I have a great deal of respect for the people who run the Leamington ambulance service. It's run by the Jacobs brothers. They do get quite a bit of money from this ministry. They spend over $100,000 per vehicle. The Amherstburg people run three vehicles for $45,000 and they have great service and there's a lot of pride in the community.

It was a little less than a year ago that your director was down in the Windsor area

and I believe it was the deputy reeve of Colchester South who heard him mention how he was turned off by the volunteer ambulance service people. It was the deputy reeve of Colchester South who brought this to my attention, and he also brought it to the attention of your director. So don't tell us about your restraint programme because you tried to squash it—a true volunteer service.

Now you try to make fun of it because of the vehicle which the residents in the area bought. You're trying to tell the members of this House that they're going out and they're wasting money. They'll be glad to hear that, because it wasn't too long ago—

Hon. F. S. Miller: You are getting carried away.

Mr. Mancini: —that the Premier (Mr. Davis) was down in our riding and he happened to visit the lovely town of Amherstburg. He took this very nice tour of the tri-community—Amherstburg - Anderdon - Malden Station—and he commented, "My God, you know, this must be one of the best branches in the whole province."

Mr. Nixon: And they're not getting paid?

Mr. Mancini: That's right, we're not getting paid. I wish your director would just come to grips with that. We're tired of the cutbacks in Essex South in this ambulance area. If you think the people in Harrow could work with a 30 per cent cut, you're wrong. You're just not going to give the people the service and it's going to be on your shoulders.

Mr. McClellan: Does the member for Renfrew North want a Cadillac too?

Mr. Conway: I must say, Mr. Chairman, I want not a Cadillac for Renfrew North, but a courthouse for York North.

Mr. Hodgson: Do you have any Cadillacs up there, Sean?

Mr. Conway: I thought it was Erasmus who authored In Praise of Folly but that speech from York North makes me think the farmer from up York North way—

Mr. Hodgson: We are not all farmers.

Hon. Mr. Rhodes: Knocking the farmers.

Mr. Conway: I just wanted to raise a very brief point again. It has to do with something the minister raised in one of his remarks not very long ago. That is having regard to what we all recognize is the serious escalation of the use of ambulances as taxis, which I think were your words. On a policy level, are you contemplating to perhaps discourage, if such is possible, that abuse of a very costly service? Having listened to your eloquent articulation of the concern and since it's obviously part of the reason for the escalating costs in the ambulance services branch, I'm wondering if you or members of your officialdom are giving any serious contemplation to deterrents in that particular regard?

Hon. F. S. Miller: Yes. We've been very concerned about the use of vehicles for non-emergency purposes. So far we've been trying some jaw-boning in certain areas. I know I visited one ambulance dispatch in a major city where, when they got an obvious transfer call, they would point out to the person that they had to pay for part of the call. I'm giving serious consideration to ways and means of raising the deductible or perhaps even passing the whole cost on, if a person other than an officer or a doctor orders an ambulance for somebody for a non-medically necessary trip. We may have to go that route because ambulances are just far too costly for people to use as convenience vehicles.

Mr. Moffatt: I'd just like to ask the minister one brief question. If an official person, such as the principal of a school or the attendant at a hockey arena, summons an ambulance and it is deemed by your ministry not to be necessary in retrospect, then some other person will have to pick up that fee. That's what you said.

Hon. F. S. Miller: I didn't say that and you know it. I'm talking about transfer calls, and let's listen to that. People call up in the middle of the day and say, "I have to be at such and such a hospital because I'm having my haemoglobin read." They get taken down there and they get taken back. Theoretically, they spend $5 to do it. In many instances the hospital can't collect it and writes it off because it isn't worth pursuing.

All I'm saying is we can't afford that. Obviously in the case of any call made in all seriousness because they think somebody was hurt or in need of a call, no one is going to argue with that kind of thing, now or in the future.

Mr. Moffatt: How many do you get?

Hon. F. S. Miller: Lots of them. I can give you the percentages.

Mr. Chairman: Shall item 2 carry?

Mr. B. Newman: I wanted to ask of the minister, now that the district health council has been formed in my own community, has he set a deadline as to when they have to report concerning the rationalization of the ambulance services in the area?

Hon. F. S. Miller: I can't answer the question until I get the information. If you'll just hold on a second, I'll get it.

Mr. Conway: Did item 2 carry?

Hon. F. S. Miller: Just a second now.

Mr. Conway: Mr. Chairman, I directed my question of course to the Chair and not to the minister. I wondered if the vote had carried.

Hon. F. S. Miller: Only one of us can be on our feet at a time.

Mr. Moffatt: Well, sit down.

Mr. Conway: I wasn't aware that the member for Muskoka was the chairman. I asked on a point of order.

Hon. F. S. Miller: I was just going to refer the question to the gentleman who just asked me. But I will gladly obey the Chair.

Mr. B. Newman: Mr. Minister, are you going to provide me with the answer?

Hon. F. S. Miller: Mr. Chairman, I was trying very hard to. The member for Windsor-Walkerville's rather ebullient companion from Renfrew North was bouncing up and down like Alka-Seltzer in a glass.

Mr. Singer: What's your next joke?

Mr. Breithaupt: Moving right along.

Hon. F. S. Miller: I am told the committee is expected to report in April or May on the rationalization in the Windsor area.

Mr. B. Newman: You are leaving the decision as to the type of service for the areas completely the responsibility of the district health council. Is that it?

Hon. F. S. Miller: I never leave the decisions entirely to them. I'm asking for their advice. The decision will be mine.

Mr. Conway: My apologies, Mr. Chairman, for my unusual intemperance in interrupting the Minister of Health. I just wondered, Mr. Minister, in following the comments that you offered in response to my good friend from Durham East, would you perhaps table the material which you said you had available on the calls and the abuse of calls? I'd be interested to see that.

[8:30]

Mr. Singer: Of course. With pleasure.

Hon. F. S. Miller: I don't know if I can do it at this moment. I was told that code one calls are 25 per cent of the total; I can give you that information.

Mr. Conway: Are you aware of any pattern in those calls, as to where they originate or what kind they might be?

Hon. F. S. Miller: The one thing I can do with the ambulance service with great confidence is give you the statistics on the source of calls, the frequency, the type of call, all those things because OASIS, as we call it—the Ontario Ambulance Information System—really has—

Mr. Breithaupt: OASIS?

Hon. F. S. Miller: —almost complete capability to draw a map of a given area showing where the calls originate and what type of calls they were.

Mr. Conway: I'm wondering, is there any evidence to indicate a pattern or a concern for the origin of calls which you might deem to be abusive?

Hon. F. S. Miller: I think it depends upon the community. We have some communities where there is a very high percentage of transfer calls from, say, the home for the aged to the local hospital and back, that kind of thing.

Mr. Nixon: And the doctor's office?

Hon. F. S. Miller: I don't know if they are to the doctor's office so much.

Mr. Nixon: There are some.

Hon. F. S. Miller: In any case, we can get that information and I think it would be complex enough to be fairly voluminous. I think, for those one or two or three of you who'd be interested, I would suggest you spend an afternoon seeing the data and the sources of it and become familiar with the way the system operates. I think then you'd probably want to move over to this side and support me next time.

Mr. Breithaupt: I don't think that will be quite enough.

Mr. Nixon: Not bloody likely.

Mr. Conway: On that point, I would be more than delighted, on the basis of an afternoon's survey of that material—certainly not to join that side of the House, God forbid—to discuss with you some of your considerations for cutting back. One of the concerns I would have is that those cutbacks would not, as we've seen in so many other of the cutbacks administered by this government, lack sensitivity, particularly for those people in that area who might not be able to protect themselves.

Mr. Norton: Come on. Stop using that language.

Mr. Conway: I'd be quite happy to spend an afternoon looking at that data.

Mr. Norton: You can do better than that.

Mr. Angus: You had your chance this afternoon.

Vote 3002, item 2 agreed to.

On item 3, institutional care services:

Mr. Ferrier: I'd like to deal with—

Mr. Conway: Gold mines?

Mr. Ferrier: We'd like to deal with those, too.

Mr. Wildman: Are you against gold mines?

Mr. Conway: Not at all.

Hon. F. S. Miller: Gold mines and ambulances have a lot in common.

Mr. Wildman: What disease did you have?

Mr. Chairman: Could we have some order, please?

Mr. Ferrier: About a year ago the minister announced that he was closing the northeastern regional mental health centre and he was going to transfer the services provided by that centre to North Bay. After quite a campaign, he said he was going to set in place some community mental health care teams and a 20-bed psychiatric unit at St. Mary's Hospital in Timmins.

Mr. Conway: That will defeat the government the next time.

Mr. Ferrier: They gave us the story at that time there weren't going to be too many people from our part of the country who would need to be in a mental hospital for a very long period of time and most of them would be treated in our area anyway.

Mr. Wildman: We're the only sane people in the province.

Mr. Ferrier: I have a letter from the minister dated October 5 and I had asked earlier how many patients were in North Bay from our area. Curiously enough, there were 79 patients in North Bay and a number of them were from my riding; quite a number of them were from the riding of Cochrane North and others were from the riding of Timiskaming. While the 20-bed unit at St. Mary's served a purpose and has been looking after a number of people on a short-term basis, it still means that a lot of people from my area and these other areas have to drive all those miles down to North Bay for any long-term treatment; and in this case there are 79 people. In certain instances you're sending them down by ambulance if they're so disturbed. It means those people have to be a long way from home; and the families, if they are going to see them, are the ones who are having to pay the extra expenses in terms of travelling arrangements and perhaps overnight accommodation in North Bay on a weekend so they can visit a little longer.

I don't accept the solution you provided in that part of the province, because there is no other part of the province that has to go so far for psychiatric care. We are lucky, I suppose. Every week or two the psychiatrist from North Bay comes up and does a quick assessment of those who may be in Timmins. To my way of thinking, you haven't really provided the kind of service we had before.

Mr. Chairman: Will the member for Ottawa East (Mr. Roy) and the member for Sault Ste. Marie (Mr. Rhodes) stop mumbling above their breath?

Hon. Mr. Rhodes: He is bothering me.

An hon. member: Don't tell the House.

Mr. Chairman: Ignore him.

Hon. Mr. Rhodes: He is speaking French and I can't understand him.

Mr. Nixon: Chauvinistic minister.

Mr. Chairman: Just ignore him. The hon. member for Cochrane South may continue.

Mr. Ferrier: Yes, I think it would be a good idea if they talked outside if they've got something to say.

Interjection.

Mr. Bain: They don't. That's why—

Interjection.

Mr. Ferrier: But the people in my area, at St. Mary's Hospital in particular, have decided that to serve the community they would take on the extra programmes that were needed in terms of the 20-bed psychiatric unit and the outpatient care that's provided for our part of the province. There's another outpatient care programme operating in Kapuskasing, I believe, and one in the southern part of our area; I don't know whether it's in Tritown or in Kirkland Lake. Since then you've also put in place a children's programme, for which I think you've allotted $188,180; but I don't know how well that's working out.

When you take a look at all the programmes there—the people you're treating in North Bay and the extra cost for those; the psychiatric unit at St. Mary's; the three community programmes; the children's programme; and then the cost of the retarded centre—I really wonder what saving you've effected by that at the cost of a good deal of disruption as far as the community is concerned.

You've made a significant improvement as far as the mentally retarded are concerned, but you certainly have seriously disrupted the mental health programme. If this programme we have is so good, why don't you move in a big way to implement it throughout the rest of the province and save some money there too? I think you've just used us as sort of whipping boys. That's the kind of treatment the north gets all the time.

An hon. member: In the ear.

Mr. Ferrier: The resentment we've built up against the south and this government has got lots of justification and lots of basis. This is just the kind of thing that happens.

St. Mary's Hospital did agree to take that programme. First of all, they were in quite a period of consultation with officials of your ministry as to what kind of a budget they should set up and what kind of a programme they should implement. They did almost everything in conjunction with officials of your ministry. Your ministry said to do this and to do that, and in many cases that is what they did. The budgets were not approved this last year until way on in August and, lo and behold, you had cut the programme in the psychiatric services at St. Mary's way back. You've got the letter I had so I can't quote the figures but it was quite dramatic.

Hon. F. S. Miller: It is part of the year.

Mr. Ferrier: I don't know whether it was part year or not, but it was a major cutback to what they had requested.

So they came down and they talked to John Maynard, I think it was, one of your officials and they talked to you at the Ontario hospital convention and you restored some of that budget, so it wasn't such a dramatic cutback as appeared when you gave the first letter of approval. But even with the part you restored, there are still some major things left out of that budget.

They were led to believe by officials of your ministry that the renovations for the outpatient programme in the old nurses wing and the putting in of some new windows—because they say there are spaces beside the window frames so you can see right outside and it's pretty cold—that those kind of things would be considered as operating expenses. After they submitted them your people said, "No, that's not operating expenses, that's capital expenditure and you've got to treat it as that. You pay a third and we'll pay two-thirds."

They felt that because they had taken the programme to help the ministry out and to help the community out that they wouldn't have used that part of the nurses residence or they wouldn't have had to knock out partitions and do all that kind of work. They felt it wasn't justified that you asked them to accept that as a capital cost.

Another thing that was very bothersome to them was the fact that there is no security officer, I believe, in either the inpatient wing or the outpatient wing and you expect nurses to deal with a person who is very disturbed. They have had people who jumped out the window. I think that kind of thing needs serious consideration.

As far as the rehab programme and the aftercare programme was concerned you arbitrarily cut it in half. It just looks as though somebody said, "Well, that's too much so we'll just halve that," as though they are a computer or something that doesn't try to understand what is involved.

If you've made the major saving that you say you are going to be making at our expense, then I don't think those kinds of parings and seemingly arbitrary cutbacks are really justified. The people have tried to work with you on this programme and they feel kind of upset about this. I know you can come back at me and say that as far as the capital construction programme is concerned it was tendered a good deal more than you had allotted for it. We appreciate your concern and your funding of that, but if they hadn't accepted the tenders the work wouldn't have gone on anyway, so it wasn't really their fault that it was over and above.

I know that you are having this looked at and I hope that you are prepared to make further adjustments, because those people have got so disturbed that they say they can hardly talk civilly to the people from your ministry when they go up there.

[8:45]

The other thing I want to bring up in connection with this is the whole question of the district hospital that you've been talking about. Apparently, a reporter from the Porcupine News phoned down and you told him that because the hospitals weren't prepared at this juncture to accept the health council's recommendation of getting the two hospital boards together you had shelved the project and you weren't considering it. That's the way it came out in the Porcupine News. The thing that bothers me is if you go into an area and make a commitment that you are going to do something, surely you must have some studies and some reports that would lead you to believe that this is the course of action to take. You surely are not guided solely by political expediency.

Interjections.

Mr. Ferrier: I've gathered that the minister has tried to operate the ministry apart from crass politics, that he's tried to do things on a rational basis—

Mr. Bain: He is crass politics with a smile.

Mr. Ferrier: —with facts and figures and valid reasons for the policies that he puts forward and the decisions that he reaches. I would expect there are lots of this kind of study and thought and reason that would lead him to make the statement that he thinks there's a district hospital needed for that area. I think there is at some juncture. Certainly there needs to be some way of attracting specialists into that area and there's got to be some way of providing greater bilingual service in the whole of the northeast.

There are also political considerations in the consolidation of the city of Timmins. The community of South Porcupine is very jealous of its community. They still are not thinking completely of Timmins as one city and it's going to take some time to work that out. I don't think leaving the two boards as they are and encouraging greater co-operation is any reason for scuttling a regional hospital which you originaly had proposed. It's going to require some statemanship and some tact, but we are growing together slowly and in time we will come together as far as hospital care is concerned much more quickly than you really think.

There's already a piece of property bought which all have agreed is a valid location. It's on the outskirts of what used to be the town of Timmins. I think your health council has got to be a little better in selling some of the proposals they formulate. I don't think they're very much in contact with the communities they are supposed to represent. I don't know that you've got any elected persons on there. They are all appointed. I don't think there's the councillor of one municipality on it.

Hon. F. S. Miller: Yes.

Mr. Ferrier: I'd like to know who they are. Maybe you can tell me when you reply. I'm not so sure that the health council is really selling any of these programmes. They are putting forward ideas and then they are letting the people run off in two different directions. As I say, I think it's going to take time, but all the area will accept a district hospital in time.

That report in the Timmins-Porcupine News that the whole thing is now off because you're having problems was a little bit premature, I think. I hope you've thought a little bit more about it or else maybe you've been misquoted. I hope you're keeping your options open and will look at the kind of service that you hope to provide at some point when the funds are available in that region.

You have talked to me about a rehabilitation area for chronic care people—and that you think there are a number of chronics who can be rehabilitated. You want that kind of a facility some place in the northeast and maybe that's in your thinking about the regional hospital. I don't know. But I don't think you should scuttle those kinds of thoughts and plans that you have had all of a sudden. I think that they are reasonable—they are feasible. But it is going to take a little bit of a selling job by some of the people up there—you want to pour a little bit of oil on troubled waters and get the trust of the whole community and then you can go ahead.

I have spoken quite lengthily and maybe the minister will have some response.

Hon. F. S. Miller: Mr. Chairman, I seldom congratulate members, but I realize when we moved into your town and closed the psychiatric hospital we were causing major problems for the district. I have to say that while you pleaded for—I think the wrong mike is on again, by the way. Is that one not working?

Mr. Angus: Eenie, meenie, minie, moe.

An hon. member: Move over one notch.

Hon. F. S. Miller: I can move over one notch as long as it gets it on the record, because otherwise it doesn't show up.

Interjection.

Hon. F. S. Miller: I am not worried about you hearing. I want Hansard to get my words of wisdom.

Mr. Moffatt: Recorded for posterity.

Hon. F. S. Miller: I have to say to the member that considering the difficulty of the case he acted in a very reasonable co-operative way while putting forward the legitimate complaints of the people in the area. I have to also say that the hospital did. In the beginning one of our compromises was to leave the 20 beds at the psychiatric hospital base, even though in our own opinion they were probably better in town. The hospital then suggested that it would take these beds.

We have had problems, and all I ask is some understanding at the local level that the programme is not working as well as it should mainly because we still don't have a psychiatrist. It is interesting that the other town in which this same change was made, Goderich, has found that the 20 beds are adequate. Outside of some professional disagreements that are going on, we believe the programme is coming along reasonably well—and I heard that from their own lips last week. So I have every reason to believe that as we get a psychiatrist to go north, and as you know that has always been a problem even when we had the psychiatric hospital there, then the programme itself should meet our expectations.

Let's both keep an open mind on the question of money. Hospitals quite understandably have a tendency, whenever something new happens, to do their best to get the maximum number of dollars added to the base for that programme—because we don't restrict the spending of those dollars to the particular programme. I suppose it's like bartering cars. They are just trying to make the best possible deal for their hospital. They are doing, I am sure, an honest job. But at the same time I have to look at it with a bit of a jaundiced eye to see that they aren't getting a few things in that perhaps they might have wanted for other things that they couldn't get in the normal course of events. Let's both keep our options and our minds open on that, and I hope we will find a resolution that's fair.

As you mentioned, I have seen the board chairman at least twice on this issue—three times that I know of, as a matter of fact. The first time it was related to the health council's desire for them not to build their addition. I then got the two of them together in the middle of the summer and got agreement to go ahead, even though had the new hospital been in the immediate future it would have been wise not to spend that money. That very agreement tacitly accepted the fact that the new hospital was still some years off.

There are people who say we don't need a new hospital in Timmins—that in fact the two hospitals are adequate. I think though when I visited you first in May, 1974, I was impressed with one thing. The communities of South Porcupine and Timmins had already agreed that they wanted one hospital. They knew where they wanted it and they weren't arguing about it. That impressed me. I was very fresh from the Haileybury-New Liskeard-Cobalt problem. It hadn't quite reached its climax at that point, but certainly I was aware of the potential down in that area. If you look back at the clippings from your newspapers in May 1974 and again later, they mention me commenting that where hospitals were obviously working together, as Timmins and South Porcupine were, the chances of getting money, in a very competitive age and time, were better. I still say that.

The health council did make a recommendation that seemed logical, that if the new hospital was to be built and the site was already agreed upon, they should start amalgamating their operating facilities between now and then so there would be an orderly changeover. They even recommended a time to do it. What surprised me was the violence of the reaction against it. If it was political, then I don't understand it, because the chairman of the board of the hospital that is objecting is a good member of my party, I understand. I can't really be accused of arguing with a man who isn't on my side to begin with; he is—or was.

Mr. Conway: Send him to Lorne.

Hon. F. S. Miller: I think my comments there were that I was concerned at what the evidence meant—not the evidence, but the implications of the reluctance to join boards. It made me wonder if the agreement to have one hospital was as real as the advocates had made me think it was on my two trips to Timmins to look at the site. To me, that's the major problem, because I don't really want to have another Tritown problem. I

think the indication of good faith has to be evidenced by the combination of boards some time before the hospital construction begins. If we need to wait a while, fine, I am not shelving the project, but I point out that the risk of them not being able to co-operate does have the resulting action of delaying or possibly delaying the final building of the hospital.

We said two years ago it would probably be 1980 at the earliest before that hospital would be built—or in the 1980s. I think somebody misread it in the paper, when I said it could delay it two or three years, to mean that it wouldn't be built until 1980 with the delay. I say to you it could be later than that because of the lack of apparent co-operation on the local scene.

If it is illustrating a reluctance of the two towns to come together, yes, I agree we're wise to wait a while. I don't think it jeopardizes the eventual outcome, but that outcome has to have local acceptance. I'm just not going to ram that one hospital down the throats of the two communities until I'm sure both boards want it to occur. That's really all I was saying.

Mr. Roy: Mr. Chairman, I have been wanting for some time to discuss with the minister the hospital facilities in Ottawa. I suppose the last time we had a discussion about them was back in the election of 1975, a year ago, because I have not had occasion to discuss these matters at any length of time in the estimates.

I recall the government got all hot and bothered during the election of 1975 when the doctors at the Ottawa General Hospital put out a report. That report stated, I suppose in very concrete and very vivid terms, the human suffering that was involved in the delay in admitting patients at the Ottawa General Hospital. We've known and talked for years about the fact that, in terms of roads, justice facilities, hospital facilities and other facilities, eastern Ontario, and Ottawa in particular, was not getting its fair share.

Mr. Conway: Here, here—inequality.

Mr. Roy: Over and above this, we now find that not only don't we get our fair share of facilities or provincial government services, but we pay higher taxes. And we pay higher taxes because the minister's colleague, the Treasurer (Mr. McKeough) has imposed regional government on us.

Some hon. members: Oh, oh.

Mr. Conway: They put up with the fellow from Renfrew South (Mr. Yakabuski).

Mr. Roy: The Treasurer is the fellow who masquerades as the champion of local autonomy and says he doesn't want to interfere, but he imposed regional government.

Mr. Nixon: He did that. We voted against it.

Mr. Roy: In any event, it was fully documented in the election of 1975 what the lack of health care facilities meant in human terms in Ottawa and at the Ottawa General Hospital in particular.

[9:00]

I think the minister is obviously aware of these statistics, but just to give you an idea, if one looks at the funds expended in health facilities since 1966 in various areas of the province, the figures are there. But we're only talking about millions of dollars, we're not talking about human suffering; we're not talking about delays; we're not talking about doctors who can't have their patients enter hospitals, or patients who are waiting for serious operations and who have to go through undue delays in length of time; we're not talking about chronic-care patients who are taking up active-care beds and so on.

So I say, when you look at these statistics of the millions of dollars which are expended in various areas, it's there in terms of money. If you look, for instance, at what has been spent in the London area since 1966, we come to a figure of something of $192 million in London.

Mr. Nixon: One hundred and ninety-two million in London. There is no regional government there.

Mr. Roy: In Hamilton, something like about $217 million dollars has been spent from 1966 to 1975. If you look in Toronto, it's $478 million. Of course, if you look in Ottawa, you're at the rate of about $165 million.

Mr. Nixon: That's the nation's capital.

Mr. Roy: How is it that in an area where the population is superior or at least equivalent to Hamilton, and certainly greater than London, we're getting fewer health facilities, that we're given less funds than those areas? The figures are there.

What happens, Mr. Chairman, is that—I was going to call you Mr. Speaker, but that word I say with caution these days—Mr. Chairman, I want to say to you that we've known this for years and the people of Ottawa have complained for years. The reason is certainly not obvious because if there is

an area in the province that has sent a lot of Tories down here it's eastern Ontario.

Mr. Conway: That's what got them the new hospital in Muskoka.

Mr. Roy: I look across at my colleague from Ottawa West who joined with me last year in complaining about this situation. Maybe he will join me again this evening.

Mr. Nixon: He is the francophone member.

Mr. Roy: Yes. But I say to the minister, and I say it especially to my colleague from Ottawa West, what has happened is that the Tories from London, from Hamilton and from Toronto have out-Toried him. They've had a position closer to the ministry, to the strings of power, to the funds, to the pocketbook. That's where the funds have gone.

Mr. Conway: That's the trouble.

Mr. Roy: I want to say to my colleagues that we could talk about millions if they like, but what it boils down to is a question of human suffering. At that point in 1975 during the election a report was brought out by doctors and it said, for instance, on the question of emergency cases, that emergency patients had to wait sometimes 15 hours for treatment. We're talking about people who are waiting in the emergency department of the Ottawa General Hospital; we're talking about urgent cases; we're talking about cancer operations where people had to wait two or three months for an operation.

Things like that don't happen around Toronto, London or Hamilton. The doctors in Ottawa discuss this with their colleagues in Toronto and it's a farce. They say, "How come you're waiting two or three months to get patients admitted in your hospital when down here—" in fact, you went out and polled sections of hospitals in other areas.

Of course, elective surgery around the Ottawa General Hospital is for all purposes non-existent. But this is not limited to the Ottawa General. I was talking again recently with the doctors at the Civic and they're starting to experience problems as well. What happens is that there's a vicious circle going on. The ministry says, "One of your problems in Ottawa is that you have too many active-care beds taken up by chronic-care patients." The doctors say, "That's right, we do, we have that. But where do we put the chronic-care patients? We don't have any beds for them." It's sort of a vicious circle. You say, "You're spending too much money because your chronic-care patients are taking up active-care beds and could be taken care of more cheaply in other institutions."

Having heard this argument long enough, the people at the Ottawa General have tabulated a whole list of hospital days lost as a result of lack of chronic-care facilities, for instance. I've got all of these here, dating back to November 1975. Just as an example, I look at November 1975 and I see here that there were 548 hospital days lost, active days lost. When you consider that the average stay of a patient at the Ottawa General is 9.78 days, it means that 56 patients could not be admitted because chronic-care patients were taking up these beds.

So there were 548 days in November of 1975. If we go into January, 1976, during that period of time there were 1,313 days lost. Again, if you look at the 9.78 days of the average stay, 134 patients were not admitted because of the chronic-care patients taking up these beds.

I can go on, Mr. Chairman, and I think I will. In February 658 days were lost; 67 patients could not be admitted. In March, 1976, there were 555 days; 56 patients could not be admitted at the Ottawa General Hospital. In April, 1976, 919 days; 94 patients could not be admitted. In May, 1976, we lost 1,066 days; 109 patients could not be admitted because of the lack of chronic-care facilities in Ottawa. In June, 1976, 315 days; 32 patients could not be admitted. In July, 1976, we've got 511 days; 52 patients could not be admitted. I go right down to October, 1976, where we have 429 days lost; 44 patients could not be admitted.

So it's obvious from these statistics, Mr. Chairman, that the situation is really not improving in Ottawa. We're scurrying around from one institution to the next, trying to find chronic-care beds. We don't seem to be moving at all on the question of the new hospital related to the University of Ottawa. There seems to be an approach taken by this government to delay things. We're facing an austerity programme; the minister is going around the province closing up hospitals, whether he's got jurisdiction to do it or not. The delay and the fact that you've not spent adequate funds in those areas is being felt in human terms.

These hospitals get ministerial orders saying, "Tighten up your budget, you should be operating more efficiently." I guess they'd be operating more efficiently if they could get their chronic-care patients out of that hospital.

Mr. Chairman, I know this minister is not running the whole show—he's got to speak to Darcy once in a while—but the fact does

remain that it's reduced in human terms. The doctors, I suppose by nature, are reluctant to get involved publicly in this. When you brought out this report last year—oh yes, they were rebuked—and one of your colleagues, the member for Ottawa South (Mr. Bennett) said, "Oh yes, there's a problem in Ottawa—it's those Quebeckers who are coming across the river." Just as though Quebec has moved there over the last while, at which time provisions are supposed to be made about Quebec. That is a red herring. You know it's a red herring, and you know it's a fact.

Mr. Moffatt: Did he say that?

Mr. Roy: Yes, he did.

Mr. Conway: I thought it was Paul Yakabuski's redneck contribution.

Mr. Roy: The member for Renfrew South did say that as well.

It is a fact, that the health facilities in western Quebec are not adequate, but then it's a fact of life that Ottawa just happens to be across the river from Quebec and that there are patients who go both ways. There are Ontario patients who go to Montreal and there are patients who go from Fort Francis or the Lakehead to Winnipeg. I think one of your colleagues suggested there should be some sort of penalty for patients who come in from outside the province and use these facilities. I say it's a two-way street. Ontario is using other areas, and their minister was sensible enough to see that could not be corrected that way.

But what I want to hear from the minister, Mr. Chairman, is when he is going to honour his promises about chronic-care facilities in Ottawa. He has not lived up to them. There was a promise of 300 or 400 chronic-care beds. We've seen at best—what 200?—not even 200. The last figures I saw indicated we did not have 200 chronic-care beds in Ottawa.

But the question remains, when is construction going to start on the new Ottawa General or the new hospital which is supposed to be attached to the University of Ottawa? The Ottawa General Hospital, which is still operating now, was condemned by about four of the minister's predecessors, back in 1960.

Mr. Nixon: Going back to Matt Dymond.

Mr. Roy: Yet that's still the facility we're using. I think it's high time that the good life enjoyed by citizens in Hamilton or Toronto, and the facilities enjoyed by people in London and so on may be enjoyed by people in the Ottawa area. I think it's time the minister really made a commitment to that area. It's all very well to talk millions, because most people feel it doesn't affect them personally, but it affects them in human terms when you see the documentation that was prepared by the doctors at the Ottawa General Hospital.

I would like some response from the minister on this issue, because I want to speak a little longer on the other question of French-language facilities. I can hardly lift this report, but I want to talk to the minister about it a little later.

Hon. F. S. Miller: I'm sure the hon. member's comments will read very well in the local press when he sends them home, but I think he should look at the shopping list for the city of Ottawa and he'll realize it hasn't done too badly. In fact, I'm sure some of his colleagues beside him would like to see their own communities do so well.

Two new hospitals were completed within the last few years; the Children's Hospital of Eastern Ontario and the Queensway-Carleton, which is just coming on now. One new hospital is already planned—Ottawa General—at $61 million.

Mr. Roy: When?

Hon. F. S. Miller: My friend, they are seeing me tomorrow about the money. We've put up our share; now we have to get their share.

Interjection.

Hon. F. S. Miller: There's a poison control centre, one or two in Ontario, in Ottawa. A brand-new cardiac unit at the Civic Hospital, costing over $2 million a year to operate, started this year. More than 190 chronic-care beds were added this year. That's pretty good for one city in one year. There are 322 of your beds being used almost steadily by people from Quebec. That may be a two-way street, but certainly it seems to have more traffic one way than the other.

Mr. Morrow: Just one way mostly.

Hon. F. S. Miller: When we look at those factors, I think we have to realize we have a problem. There were something like 300 people sitting in the Ottawa hospitals who were chronic people. We now have an assessment and placement service functioning in Ottawa as a result of my visit there in September 1975.

You have about 3.8 beds per 1,000 people in Ottawa, I think. That's twice as many as some jurisdictions in the United States—

Mr. Roy: How does that compare with London and Hamilton?

Hon. F. S. Miller: In London I will be closing 1,000 beds one of these days.

Mr. Ferris: What?

Hon. F. S. Miller: My deputy says 400 initially.

Mr. Ferris: A thousand?

Mr. Bain: That will make a nice headline in the London paper.

Hon. F. S. Miller: We're hoping to get the Westminster Hospital in our control; that's where the closures will come. That's been on the books for a long time.

Mr. Ferris: Every election it's been on the books.

Hon. F. S. Miller: The fact is it's being held up by the federal government—not by the province of Ontario.

Mr. Ferris: You said it was finalized weeks ago.

Hon. F. S. Miller: No, I didn't. I said we've crossed the last hurdle; that's what I said.

Mr. Ferris: What are you going to do—

Mr. Nixon: Frank, you should be the last minister to fall into that excuse. The Minister of Housing (Mr. Rhodes) blames the federal government, but not you.

Mr. Acting Chairman: Order, please. The minister has the floor.

Hon. F. S. Miller: Not only that, I went to the province of Quebec—

Mr. Nixon: You get half your budget from Ottawa.

Hon. F. S. Miller: I went to the province of Quebec on November 11, 1975. I negotiated with the Quebec minister to get 200 more beds opened in Hull. I've been given the assurance that would be done. So those things I think I did in the interests of Ottawa, and reasonably effectively.

Mr. Roy: Just to clear up the record about these hospitals that you're talking about. First of all, the citizens of Ottawa and area got together and there was a fund drive for the Children's Hospital. However, the Children's Hospital was a necessary institution and, therefore, it did not alleviate the lack of active care beds for adults in the Ottawa area. Let's be fair about that.

The second thing is that the Queensway-Carleton Hospital was built in an area because a number of citizens from Ottawa—I'll say it, and I don't want to offend anyone, but a good bunch of Conservatives got together and said we need a hospital in west Ottawa.

Mr. Moffatt: Those are mutually exclusive terms.

Mr. Roy: They got funds to build this hospital but, as you know, this hospital is being used basically for chronic care. They don't have many active care beds.

In relation to Ottawa General, where the minister says he's going to spend $61 million, that hospital has been needed since before 1960. I'd like to know from the minister whether he's prepared to put on the record a commitment that there will not be any delay in this. If the minister is trying to say that Ottawa has been spoiled the last while, that is not the case. Some of these are specialized, needed facilities which are taken for granted in other areas of the province. But the Ottawa General is something that has been planned and worked on for many years and it is something we need.

I want the minister to make that commitment, that there will not be any delay in the construction of that hospital.

[9:15]

Hon. F. S. Miller: Mr. Chairman, it's very easy to make promises if you don't have to do the—if you're not responsible; that's one of the luxuries of the opposition.

Mr. Conway: The Premier (Mr. Davis) does it all the time, he ran a whole campaign on it.

Hon. F. S. Miller: The fact remains we had set a price on that hospital. If tomorrow, in my discussions with the various people—and I am seeing them tomorrow—

Mr. Eakins: The minister will be doing it in a few months, why not start now?

Hon. F. S. Miller: That's fair enough. The electorate will have their chance.

If the total cost is properly within those limits which we have prescribed, then you get your hospital almost immediately.

Mr. Roy: Yes, but as the delay goes on and it's stopped and it's on the books again,

you're really saying to the people with your budget, "We're going to give you less beds." And that's not what is required there.

Hon. F. S. Miller: If you think that increasing our share from $30 million to $42 million, or whatever it is, after allowing for inflation, is not accurate, then I haven't read it. We have used the indicators the federal government gave us for inflation since the hospital was originally costed. We have allowed for all those in increasing our share. That is done.

Mr. Roy: Okay. I think it's obvious, Mr. Chairman, that my point has been made. The concern of the minister in addressing himself to that problem is the best evidence there was a real shortage in Ottawa. I give this minister some of the credit for it. But I think that one of the reasons for it is because there was such a stink raised about it during the last election. We were concerned about this problem, and the way to get response and to get public support was to put it in human terms.

Mr. Conway: It doesn't help eastern Ontario.

Mr. Roy: The other thing I want to talk to you about is this report here that I can hardly lift. In fact you probably do exercises on this every morning, lifting it up and down. It's called "Report on the French Language Health Services, Task Force '76."

Mr. Maeck: Don't go through it page by page.

Mr. Roy: I suppose I should give you some credit for having established it and for taking a look at the problem of the lack of French in health services across the province. I think the title speaks admirably for what their conclusions were: Pas Problème, No Problem?—which is basically the approach that's been taken by the government.

Hon. F. S. Miller: Mr. Chairman, there is a question mark at the end of it, you know that.

Mr. Roy: Yes. There is a question mark, and it's well placed.

Hon. F. S. Miller: Yes.

Mr. Roy: If you look at the report they mention without any hesitation that this government does not proceed very swiftly in the implementations of bilingualism. They're being kind when they say that. From the basis of policy to the implementation of the actual facilities or services, sometimes there is quite a delay.

Mr. Conway: But you will get a new driver's licence.

Mr. Roy: I think what they're saying basically is that this government, in spite of the policy, has not really made the sort of commitment you would think a province like Ontario would make. For instance, it should not be prepared to accept that in areas of eastern Ontario there would be psychiatric care facilities treating people, when they can't even communicate with them. It seems to be a lack of humanity to be attempting to treat patients who have this sort of problem when you have difficulty communcating with them.

The children's hospital in Ottawa, for instance, was meant to be a centre for all of eastern Ontario. Some centres in eastern Ontario—for instance Prescott-Russell—are 80 to 85 per cent French. You're bringing children in there, and yet the doctor or some of these specialists—12 out of 12 of these specialists can't speak French. Eight out of eight of the heads of the nursing sections can't speak French. Of the 12 interns and residents, only three can understand French. When you get with children it becomes a problem to communicate. How can you treat them if there is some difficulty in communicating with them? It goes on.

The minister has told me personally before that the way to solve the problem is to proceed with caution, not to raise the flag, as you say, because there is a backlash. I'm not without knowing that it exists and not without knowing that we are politicians and that you don't want to push too hard because you get a backlash the other way. But it reaches a point where caution really becomes an excuse for not doing anything. If there is a commitment and there is a policy, then you should proceed with it. I think there is that responsibility on this province.

I don't want to start sabre-rattling and say if the people in Quebec feel the way they do and if they vote the way they do, it is because they feel that they can only keep their culture and exist as French-Canadians in the province of Quebec. I don't like to use that sort of thing. It is just like saying to Quebec, that if you people decide to go and separate economically things are going to be tough for you. Surely that is the type of blackmail we shouldn't use.

But if we are going to show good faith as Canadians, if we are going to say to the French-speaking Canadians in Quebec, look at how we treat our minority groups in Ontario and we want you to treat the English-speaking minority in Quebec the

same way, do you think the English-speaking residents have that problem in Quebec when they go out for hospital facilities or hospital services or health services in that province? The same thing could be said about the courts and so on.

I think we have to make that sort of commitment, especially from this province, because if we don't succeed in this province, that's the ball game if this province can't make that sort of commitment.

The best evidence that the system works is to show that the minorities in this province can exist as Canadians and can keep their culture and their language. That's the way we operate. That's the evidence right here and a special relationship that Ontario has.

But if we are not prepared to make that commitment here, as Levesque takes over in Quebec, you can just feel it in this province now. I saw it the other day in the House when people felt we've got to start doing more. The Toronto Star is starting to write front-page editorials and all that stuff.

Surely we shouldn't have to wait for that. The commitment must be made and we must proceed with it. I say to you, Mr. Chairman, and to my colleague, that that is the best evidence of the commitment towards this country and towards the protection of the two groups and of their culture and their language. When we get into a situation where we have reports like this that say there is no problem, then that's what they are going to say in Quebec as well, that there is no problem either.

Hon. F. S. Miller: I think the last sentence needs to be rephrased a bit. You know full well that report is not saying there is no problem. The very reason for choosing that title was to emphasize the fact that there is a problem. It wasn't trying to downgrade it. If anything, it highlights it with almost 300 recommendations of one kind or another. There are an awful lot of specific ones in that report. I have read the thing in both languages, as a matter of fact, in an attempt to learn a few more words in the French language because I don't pretend to be bilingual—

Mr. Roy: You are not bad.

Hon. F. S. Miller: —even though that report kindly says I am. I see there's a footnote on page 8, or something to that effect.

Mr. Cassidy: They were casting around for straws at that point.

Hon. F. S. Miller: They were casting around for straws, but I had met with the committee a couple of times. We commissioned that report. We asked people we know would look at the situation and tell us if it wasn't good enough. We didn't ask them to write a report saying we are great guys.

Mr. Roy: I hope not.

Hon. F. S. Miller: We asked them to tell us where on earth we could find a better way of serving the legitimate needs of a minority in this province, something our government is prepared to do. It's much more popular in terms of vote-getting in most of our ridings to stand up and be anti-French culture. The fact is that consistently the Premier and a number of us have stood up and been the opposite. I have been and I will continue to be.

Mr. Conway: Not all of you.

Hon. Mr. Rhodes: Not all of you either, pal.

Hon. F. S. Miller: Not all of you. I think individuals often react in their own areas to these problems. The fact remains that I recognize the legitimate needs. I do recognize that not every Ontario citizen who speaks English finds it easy to get service in Quebec in his own language. I have had to go through that myself a few times with little kids who were hurt in an accident on the highway or something. I lived there for six years of my life, but I will say it is easier in Quebec than it is in Ontario. The basic thing that report points out is that it is not a policy problem but a fundamental shortage of trained people in the health care field who can speak two languages.

Mr. Roy: That's right.

Hon. F. S. Miller: I can wave all the wands I want in terms of policy but we have to have people there who can speak both languages. Frankly, Ontario has been far more liberal.

Mr. Cassidy: It reflects your lack of priority, though.

Hon. F. S. Miller: Sure, it's a priority. The fact remains—

Mr. Cassidy: It reflects your lack of priority.

Hon. F. S. Miller: Please let me talk, Mr. Cassidy. The rest of the evening has been quite tranquil.

Mr. Moffatt: Only because you were making progress.

Mr. Eakins: You were moving right ahead too, Frank.

Hon. F. S. Miller: The fact remains that the University of Ottawa, if you look at the number of French-speaking students in the medical field—

Mr. Roy: It's criticized as well.

Hon. F. S. Miller: —quite a few of them are from the province of Quebec, right? Sadly enough, they will go back and practise there I assume. At the same time, we have great difficulty—not impossible odds, but great difficulty—getting French-speaking Ontario citizens into Quebec universities, do you agree with that?

Mr. Roy: I wouldn't be surprised.

Hon. F. S. Miller: So I think almost half the students in medicine at the University of Ottawa are from the province of Quebec. I'd be delighted to have them stay if they were going to help us out in our problems.

We are determined to act upon as many of those recommendations as we can, as quickly as we can. I've said, I think to the member for Cornwall (Mr. Samis) the other day, that I hope to be able to reply within two months to all of them, or to most of them anyway, and at the same time recognize that that report is written with the ideal in mind and that probably we both agree that not everything recommended in there is entirely practicable. We'll take that which is possible and we will do it at a speed that's acceptable to the majority of the people in this province. I think in the final analysis we will have served both parties well.

Mr. Roy: I just want to mention this thing: I don't want to say that you haven't done things, but all I want to emphasize is that the title really reflects to some degree the state of mind of this government.

Hon. F. S. Miller: Sure it does.

Mr. Roy: You really were overly cautious. The time to be overly cautious about Confederation or the unity of this country and so on is pretty well over. For those of us who believe in the same things that you and I believe in, it's time to stand up and be counted and be prepared to lead. I think it's high time that we showed some form of leadership in this.

The report, if nothing else, will make you realize there are many areas which must improve, that there are going to be some problems in accepting or in implementing some of these recommendations. But the fact remains that the commitment, if you had a commitment in the past, has not been all that obvious, and it has to be obvious now because, as this report says, some people are not receiving or possibly not receiving the attention they deserve because they cannot communicate.

What it boils down to really is that it's obvious from reading this report that not only the government but the institutions as well really haven't turned their attention to this. It is something that they sort of proceed with and always felt that it was not a necessity. So this is why it's important to highlight this. This is one of the areas and these are the types of steps, the types of commitments that we must make. Let's not proceed as we have done in many areas, because I say to you that, sure, politically sometimes it's not that appetizing, but I think you've got to convince your leader to be prepared to make that commitment.

Even though it may well be there is a backlash, I tell you that over the long term surely those of us who believe in this sort of thing, those of us who believe in this country are prepared to make this commitment—and I think that's most citizens in this province. Sure, they've got some hangups about certain aspects of bilingualism, but by and large I think their commitment is to Canada. I think they are prepared to see this type of commitment made in a way to enhance not only the rights and privileges of the minority but in fact to keep our neighbours in Quebec with this country.

[9:30]

I say this is the type of commitment that you've got to make. I just wanted to say that the title seems to reflect really a lack of attention, a lack of awareness that there was even a problem there. Even the University of Ottawa is criticized in this report for not having taken proper steps; you would think that the University of Ottawa, which is supposed to be a bilingual institution, would have taken more steps.

I say to the minister, I don't think this is the only area we are going to have to talk about. We are going to have to talk about justice, about French-language education for English-speaking students, and so on, but I am convinced that the citizens of this province are prepared to make that sort of commitment. I think what we need from you and from that government is a bit of leadership.

Mr. Acting Chairman: The member for Peterborough.

Mr. Cassidy: Bravo.

Mr. Conway: A fine member.

Ms. Sandeman: Mr. Chairman, perhaps I could begin by asking the minister if a dreadful itching goes along with the swine flu vaccination. Is that okay? I mean, am I going to drop dead?

Hon. F. S. Miller: It is the first sign of a fatal illness.

Ms. Sandeman: Oh, dear.

Mr. Cassidy: Eat your heart out.

Ms. Sandeman: I did notice that you had a stretcher coyly hidden up there behind the screens.

Hon. F. S. Miller: That was for our party.

Ms. Sandeman: Oh, I see. Okay. I would like to speak on this vote on the institutional care services, as they relate to both the operation of hospitals and the extended health care nursing home part of the field.

I noticed the minister prefaced his remarks by commenting that one of the reasons he needed to introduce supplementary estimates was because his money-saving programmes didn't take hold as quickly as he had hoped, that some of the savings anticipated for this year hadn't happened and he had to meet the shortfalls. I would like to suggest that perhaps part of the problem that led to that kind of situation in the ministry, and the necessity for supplementary estimates, was that it really is impossible to do overnight the kind of planning that the minister was trying to do for health—to introduce massive cuts in the health care field and to shift his interest to other alternative facilities in the kind of panic way that we saw earlier this year and on the ad hoc basis on which it was done.

I would like to suggest to the minister that he take time to look at what's happening in the health care field in Manitoba, where a five-year programme is in operation, rather than an attempt to cut back the budget in six months and then, six months later, bring in supplementary estimates because you find you can't do it. Back in May of this year, Mr. Desjardins, the Minister of Health and Social Development in Manitoba, announced a five-year programme for health facility construction in the province of Manitoba.

The interesting thing I find about that programme is that it is carefully based on an analysis of the health care needs of the whole province—the acute care bed needs, the extended care needs and the personal care needs, both in Winnipeg and in the rural areas of the province. No decisions were made overnight to close hospitals. In fact, in Manitoba they have set out their objectives in the hospital and bed provision programmes. Their objectives are much the same as we would hope to see in Ontario; to relieve pressure on the waiting list for personal care accommodation and hence on the improper use of hospital facilities; and to enable Manitoba to move towards lower-cost alternative programmes in line with current discussions with the federal government relating to proposed changes in cost-sharing agreements.

The improper use of hospital facilities is something that concerns all health care personnel across the country, and it's interesting to see that Manitoba has taken a grip on that and realized that you can't put a stop to it overnight and save millions of dollars overnight; you have got, first of all, to look at what you have got and then supplement existing beds and explore alternative ways and means of improving services to end up with a rational provision of beds over a longer-term period.

In fact, what they have done in Manitoba is to add 973 personal care beds and to construct more than 1,500 personal care beds, but I believe 607 of those were replacing substandard facilities. Thus, as you increase the number of personal care beds, at the same time you may cut down on unnecessary acute care beds in hospitals. But you have to do both at the same time. You have to do it on a long-range plan and you have to do it after considering what you already have in your province and what you need.

What we saw in Ontario last winter and in the spring of this year was a panic-stricken reaction to some severe cash flow problems in the province, to a very large deficit, a very large burden of debt interest on our finances, and we say ad hoc-ery of the worst kind. We saw, for instance Doctors' Hospital closed and after that the announcement of a bed study; the uses of beds in downtown Toronto. Any sane planning would have studied the bed needs first and closed the hospital second, if indeed it was necessary to close the hospital. It's extraordinary that that kind of thing should have happened in that Alice in Wonderland fashion.

Then we get the extraordinary sequence of events around the Hillcroft private hospital, which the minister announced would be closed. And then the Premier turned up at a testimonal dinner for Glen Hodgson—I didn't have the pleasure of knowing Glen

Hodgson but I believe he used to be a member of this House. The Premier turned up at a testimonial dinner in the riding in which Hillcroft private hospital is situated and announced at the dinner, to the surprise of the owner of the private hospital, "I am turning this hospital into a nursing home," which was—

Hon. F. S. Miller: Oh, oh, oh. That's not true.

An hon. member: Can you correct that?

Mr. Chairman: Can you rephrase that?

Hon. F. S. Miller: Pardon me. I think the member has erred in her conclusion.

Mr. Moffatt: Either that or the newspaper was wrong.

Hon. F. S. Miller: I personally told that lady, before my heart attack, that we were doing that.

Ms. Sandeman: Oh, I'm sorry. I thought you meant it wasn't going to be turned into a nursing home—Oh, I'm correct that it was to be turned into a nursing home.

Mr. Breithaupt: It was the doer, not the deed, he was referring to.

Ms. Sandeman: Okay. We needn't argue about when she was told—

Hon. F. S. Miller: It certainly wasn't to her surprise.

Ms. Sandeman: Okay: We needn't argue about when she was told and when she was not told. The point at issue is that the nursing homes in this province have been asked to go through a perfectly sensible series of stages if they wish to extend their beds. The ministry tells us that studies are done of nursing home bed needs in particular areas.

Nursing homes in the Lindsay-Peterborough area have for years been applying for extra beds and have been turned down, apparently because there was no need in the area for extra nursing home beds, so the nursing home operators were told. Bobcaygeon, interestingly enough, already has two nursing homes, one of which was, I believe, the only nursing home in that area to have been granted new beds within the last year and suddenly we see that a private hospital which wasn't needed can, overnight—before your heart attack—turn itself into a nursing home.

Not unnaturally, the nursing home operators in the area were saying: "What about the previous bed freeze we were told about? What about the tendering procedures we all have to go through? Does this hospital meet the standards laid down by the ministry for nursing homes? Pretty rigid standards, and quite rightly so. What is the expense of turning the private hospital into a nursing home going to be?"

It seems to me that that is another example of ad hoc-ery. I hesitate to call it political opportunism if, indeed, it was you who made the announcement and not the Premier at that testimonial dinner. At the time that we're looking at the range of alternative care to replace your hospital beds, your misused hospital beds, we have to consider what is happening to home care in this province.

I find it very difficult to consider home care in a vacuum. Home-care patients, as the minister suggested, can relieve the pressure on hospital beds and in fact many of the patients who are being cared for in nursing homes or at home are patients who, if those beds are not available, are taking expensive hospital beds. But, once again, when we look at what's happening to the home-care programme we find reaction to crises—apparently long-term planning has gone out of the window. Local areas in home care are finding it almost impossible to make rational sense of the budgeting procedures. I am sure the minister is familiar with what happened in Peterborough this year. The VON in Peterborough maintain home-care services that are typical of similar organizations across the province. They submitted their budget last March, a rock-bottom budget, very carefully thought out; but they didn't receive a firm budget from the ministry until early in September when they were told that they were 20 per cent over their allowed budget and that they would have to cut out $55,000. That means that for the last six months of the financial year they're going to have to cut by 40 per cent. They were told when they spoke to Dr. King that apparently a $2 million cut in global budget for 38 home-care programmes had been imposed by the ministry, which would be a 15.5 per cent cut over all, and the cut would have to be absorbed by all the programmes across the province.

It's already evident, in many home-care programmes across the province, that the reductions are being made, or were being made even before the September announcement, in the care given.

Mr. Chairman: That is in vote 3003; that is another vote.

Ms. Sandeman: I am trying to tie it in, Mr. Chairman, with the relationship to the acute-care beds in hospital which are improperly used. The pressure on them could be relieved if home-care facilities were available. My remarks are tending toward some proof of that.

Mr. Chairman: There is $1.2 million in vote 3003, item 2, for that.

Ms. Sandeman: Yes, but we are talking about institutional care.

Mr. McClellan: There is a connection.

Ms. Sandeman: It is very difficult. The whole problem with the ministry is that we have to speak of it as a whole. You can't plan rationally by thinking of home care as a distinct item separate from the others.

Mr. Chairman: If we were dealing with the estimates of all of the activities of the Ministry of Health, you could get it in under policy. But since we're dealing with specific items for additional funding for supplementary estimates, in order to keep things on an even keel I would appreciate it if you would stick to item 3 in vote 3002, institutional care services.

Ms. Sandeman: Yes.

Mr. Bain: That is what you were doing, keep going.

Ms. Sandeman: That is what I was doing but he has interrupted my train of thought. What is happening because of the cutback in home care is that hospital patients are not being allowed home. That is another reason we need supplementary estimates for hospital care. What has happened in Peterborough is that the hospital programme that is tied in with home care—if you'll excuse me mentioning the connection, Mr. Chairman—is having an extra strain on it.

We have, as the ministry is well aware, a very good record in the Civic Hospital in Peterborough of one-day surgical admittances. I think 50 per cent of all the surgery done in the Peterborough Civic Hospital is on a one-day bed occupancy basis and the patients are then discharged with home care follow-up where necessary.

However—and I don't know how I'm going to slip this past you, Mr. Chairman—because of the cutback in home-care funding it looks as if it will not be possible any longer to discharge these patients on a same-day basis, and therefore we're keeping them in expensive hospital beds which is costing more in the long run, unnecessarily.

The same kind of thing applies to cataract programmes. Cataract patients shouldn't have to stay in hospital for more than four days. With a decent home-care programme, the institutional cost could be cut down by discharging the patient to home care. However, when you cut back on a home-care programme by 40 per cent in the last six months of a programme, it means you have to keep cataract patients in hospital, adding to the cost of institutional care.

[9:45]

The minister mentioned in his discussion on this vote, or perhaps it was in his introductory remarks, some pilot projects in programmes which were to be alternatives to institutional care; quite expensive pilot projects. I think there were three—one in Thunder Bay and I've forgotten where the other two were. Interestingly enough, in Peterborough the home-care people haven't waited for ministry guidance to go into an expensive pilot project. They have taken it for granted that part of the reason for their existence is to provide alternatives to institutional care. They have set up with the physicians of the community, after long, hard work, a service which they call a substitute for hospital care programme and they use it as an alternative to that expensive institutional care which we've been discussing.

However, with the continued cut in their budget for the end of this year it looks as if they may have to abandon that programme and those patients are going to be causing you maybe the reason for your supplementary estimates.

I think I would be dishonest if I continued my remarks on home care. I think I've made the tie-in and perhaps you'd allow me to come back on the next vote on home care.

Hon. F. S. Miller: I only point out that last year the Peterborough home-care budget was $213,000. This year it's $270,000 and I find it difficult to understand that being interpreted as a 40 per cent cut.

Ms. Sandeman: Am I allowed to answer that?

Mr. Chairman: Yes.

Ms. Sandeman: Thank you. The 20 per cent cut is on the budget that was sent in by the VON in March. The reason for the increase, of course, is that the criteria have changed quite considerably since last year. As the minister himself mentioned, home-care programmes have expanded and there are changes in programme eligibility, so you

would expect an increase. For instance, home care now covers physiotherapy for nursing-home patients. Homemaker services under public-health-nurse supervision have been increased and you have to allow realistically for that increase when you're setting up a budget. Which doesn't mean to say you do not set up a careful, pared-to-the-bone budget if you are as careful as the VON people are in Peterborough.

The 40 per cent cut comes about because they were cut 20 per cent from their expected budget, but six months before the end of the year, so that they had to achieve all the savings during the last six months of the year. Of course, you're aware of what happened in October when some zealous bureaucrat told them he would like to make all the cut at once and told them they would have no cash flow for the month of October. I'm happy to say that that problem was solved.

I understand also, if the Chairman will allow me to complete my train of thought, that they were told, "You are panicking too soon. We don't really mean it that we're going to cut $55,000 from your budget. We'll set a final figure in November." If I may say so, it really isn't good enough to set a final budget for the 1976-77 budget year three-quarters of the way through the budget. There is no way in which local programmes, either at the institutional or home-care level, can make rational decisions if they don't know until late in November what they're going to have to spend. I hope you can give us some assurance that that won't be repeated next year.

Hon. F. S. Miller: Mr. Chairman, if I sat here listening to the various comments of all the members who make it look like we're a bunch of ghouls who cut everybody mercilessly, how then am I spending half a billion dollars more this year than last year on health care?

Mr. Germa: You're wasting it.

Hon. F. S. Miller: I'm wasting it. I've tried to point out that some of the things I'm doing in terms of reducing certain services is because I genuinely believe we're wasting it in certain places and that I need the backing of you gentlemen and ladies in this Legislature. We sent guideline letters out to Peterborough 'way back at the beginning of the year. They sent in a budget 33.6 per cent over last year's budget in spite of the guidelines. If anybody gets a guideline letter and totally ignores it when he spends his money, surely he will run out of money before the year-end. You can't really get information from us in March saying you're allowed to increase last year's budget by this and spend at whatever rate you wish and then complain at the end of the year because somebody says you've overspent the amount.

Even then we came along and bailed them out with $30,000 to $40,000 extra to keep their programme going, and frankly, if every home-care service in this province chose to set its own eligibility criteria without any respect to those set by us, we would have no control, no matter how worthwhile the programme is. Therefore, one must live within the parameters set by the policy. That's why we have three experimental project areas in Hamilton, Thunder Bay and Kingston, to determine if we can spend the money more effectively.

I think my opening comments said I would be delighted to spend more money in this area providing that in fact the alternative savings are effected in the rest of the system. I'm just hoping we might be through by 10:30, Mr. Chairman, so I'll say no more.

Mr. B. Newman: I wanted to raise two issues with the minister concerning item 3, the institutional health services programme.

The first issue is a long-standing one that is concerning the phasing out of the Riverview Hospital. Is the minister's decision firm on that? Do you intend to close the facilities as of March 30 of this coming year, or are you still negotiating—

An hon. member: Terrible.

Mr. B. Newman: —with the IODE people and particularly with the chairman of the board of Windsor Western Hospital, a Mr. Mason, who has been attempting to get from your officials a statement as to the expenses involved with the hospital?

Mr. Bounsall: Say you're flexible. Say you're flexible. Change your mind.

Hon. F. S. Miller: You know how flexible I am.

Mr. Bounsall: You can be on this one. There is simply no economic argument for closing!

Hon. F. S. Miller: I'm wating for some information from the health council and until I get it I'll make no more comment.

Mr. B. Newman: Then, in other words, we can assume that your decision is not firm, that the hospital may remain after March 31 of the coming year.

An hon. member: Until after the election.

Mr. B. Newman: I hope that the minister will provide statistical information to the individuals who have asked for it in the same form that he has normally provided information. The latest figures that your officials have given to them are sort of jumbled up and there is no way of making a comparison between the way they have submitted their figures normally and the way the minister has submitted them normally in the past.

The other issue that I wish to raise with the minister is concerning the curtailment of certain elective out-patient services. I know the minister is aware that the Metropolitan Hospital has been forced by him to curtail certain services. As a result of the curtailment, Mr. Minister, you may be restricting the budget of Metroplitan Hospital, but what you are actually doing is adding to the overall total cost for the health services in the community. Because now Metropolitan Hospital can no longer carry out certain outpatient services especially when it comes to certain tests. It sends the patient to private labs when the facilities at Metropolitan Hospital and maybe other hospitals could be used. In sending them to the private labs you have only substantially increased the health services costs in the municipality.

Could I have a reply from the minister to that comment?

Hon. F. S. Miller: I've been aware, Mr. Chairman, that many hospitals tried to offload lab work because a global budget allowed them to do just that—to send it to private labs when, in fact, they had the capacity within the institution to do the work.

They are not paid on a fee for service basis. We've spent a good deal of time looking at the problems that give a hospital an incentive to send work out. I can't say that I have any solution yet but I think we're approaching some. I can also say that the budget letters that are going out today and tomorrow—a month before the end of this year, for the next 15 months—give them total dollar budgets for the hospital, with no restrictions on how they use those funds.

Mr. B. Newman: Then may I bring to the attention of the minister the letter that Metropolitan General Hospital had to mail out and to give to patients at the hospital? It's dated August 30, when this issue broke in the community.

"Dear Patient:

"We sincerely regret that we have had to reduce certain elective outpatient services, and we hope this measure will be a temporary one.

"The amount of outpatient services which the hospital is permitted to provide is limited by, and is in direct proportion to, the funds allotted by the Ministry of Health. During the past 20 months the demand for these services at Metropolitan General Hospital has been in excess of the amount approved. The phenomenal increase can be attributed to two major factors: (1) The general trend of population growth on the east side of the city and the easy accessibility to the Metropolitan General Hospital; (2) the consolidation of neoplastic services at this hospital. These require more diagnostic tests than most of the other types of services.

"For the year 1975 the hospital may not recover the costs for the excess outpatient work performed. It now appears that for 1976 the hospital will not be reimbursed for an even larger amount. In this event, the hospital would be in a most difficult financial situation.

"The specific outpatient problems have been discussed with the Ministry of Health during the past year. They will now be presented to the new Essex County District Health Council. Failure to obtain a revision in the distribution of health funds will extend the outpatient service constraint period indefinitely. The present severe restrictions will continue until the excess service already performed falls within the approved amount. We hope that this will occur before the year end.

"The decision to reduce services was reluctantly taken, and the hospital regrets any inconvenience it may cause you. Your family doctor has been advised of the constraint, and you should contact him with a view to making other arrangements to have your tests carried out.

"We hope that we will be able to serve you again in the near future, and we ask for your understanding and co-operation during this difficult period. Sincerely—" and it is signed by Mr. J. A. Ritchie, executive director.

You will note in that letter that he specifically mentions that the family doctor has been advised and other arrangements will have to be made to have these tests done. All the minister is doing is adding extra costs by referring this work to the private labs.

Hon. F. S. Miller: Mr. Chairman, I sometimes get a little angry at hospitals who play a double game. That hospital got $2.5 million more this year than last year. That's a heck of a lot of money. If you listen to that letter —and that was a power play, as far as I'm concerned—it was a game they were playing;

they figured if they got enough people upset in the community they'd get the extra money they thought they were entitled to. The fact is that $2.5 million more than the previous year for a single hospital is an awful lot of money.

Mr. B. Newman: The minister is also aware that he transferred patients from the Riverview Hospital to that hospital; so even though he may have provided additional funds, he also had additional patients in the hospital. That will easily account for the additional funds.

Mr. Mancini: Why don't you tell us that?

Mr. B. Newman: The minister should want to tell both sides of the story too.

Mr. Chairman: Is the hon. member for Windsor-Walkerville finished?

Mr. B. Newman: I thought I would get a reply from the minister on my last comment. The minister has no comment?

Hon. F. S. Miller: No reply.

Mr. B. Newman: Then he prefers to have the total health costs in the community escalate to a lesser degree by having the services performed in the hospital as opposed to a private lab?

[10:00]

Hon. F. S. Miller: Mr. Chairman, at the end of the month the hospital withdrew that letter.

Mr. Burr: Mr. Chairman, may I ask the minister whether he thinks that the total bill to the government through OHIP will not be greater for these lab tests than it would have been through the hospital itself?

Hon. F. S. Miller: Mr. Chairman, the slowest growth section of my budget this year—the one that is underspent—is OHIP.

Mr. Burr: Nevertheless, that's not answering my question.

Mr. Moffatt: You spend money just because you haven't spent it?

Hon. F. S. Miller: No, no. I am just saying that during the year the actions we have taken to control the demand on lab tests have been fairly effective. I am not condoning what happened in Windsor or anywhere else, and Windsor wasn't unique. Hospitals around this province in a number of instances did much the same thing one way or another. I really didn't think it was particularly fair of them to do it because they knew they could get an immediate local reaction. Other hospitals went along and did their darnedest to work within the amounts of extra money we gave them.

I got one of the highest increases in government this year. It wasn't like some of the other ministries that got fewer real dollars this year than last year. I got more real dollars for health care. There were more jobs in the hospitals in Ontario than there were last year. I find it a bit difficult to accept when hospitals, which could have done the work within their global budgets for less money, make the decision themselves to send the work out into a high cost area. I agree it was more costly to let it go out. I didn't like them doing it. I found many hospitals, on the other hand, that did their level best to help us in a tough year.

Mr. Haggerty: I would like to discuss a problem with the minister; not to spend money but to suggest to him a way to save money. I have mentioned to the minister on previous occasions—I think for the last five or six years to the different government ministers—the matter of nurses' residences. Throughout Ontario many municipalities have constructed these residences close to the hospitals. One in the city of Port Colborne—I think it was constructed in 1968—has been vacant for almost that length of time. It hasn't been used to the fullest extent.

I suggest to the Minister of Health—and to the Minister of Housing, I'm glad he is here tonight—that they could make good use of this vacant building in the city of Port Colborne. There are about 50 self-contained units in this building. It could be used for a senior citizens' residence, and there is a great need for further senior citizens' residences in the city of Port Colborne.

I think this is one way the Minister of Health can dispose of the building. He can either sell it to the Minister of Housing for a senior citizens' residence, or rent it to the minister and generate some revenue.

There is also a nurses' residence in the city of Welland—I understand it was just constructed a few years ago—that is vacant too. I understand that the former nursing school in St. Catharines has a large nursing residence there. I don't know how many floors it has but I understand it contains a number of units and it is sitting there almost vacant. I'm not quite sure about this particular one but I understand there is a possibility it is vacant also.

The minister should be making use of these vacant nurses' residences throughout Ontario. I am sure that there could be a vast savings in money. It costs money to heat those buildings all year round and to maintain them. If they are sitting there vacant you are missing the boat, Mr. Minister, by not making some general use of these buildings.

Hon. F. S. Miller: First they don't belong to me, they belong to the hospitals. Secondly, I totally agree with you. Thirdly, I will be glad to recommend it to my colleague, the Minister of Housing.

Mr. Haggerty: The Minister of Health has contributed a large amount of funds—

Hon. F. S. Miller: Yes, but I don't own them.

Mr. Haggerty: This is right, but I think you should have some input—

Mr. Deans: The Minister of Housing—

Hon. F. S. Miller: I can only say in the city of Hamilton that's been done. I believe the nurses' residence in Hamilton is currently being used as a residence for people who just come in and rent a room. In fact, if I am not wrong, there was comment from some people in the business that it was unfair competition, wasn't there?

Mr. Deans: Don't involve me in your problems.

Hon. F. S. Miller: I'm just looking at you for confirmation.

Mr. Deans: Don't look at me. I am not the minister.

Mr. Haggerty: I am delighted to hear the minister say that they are making some use of them.

Mr. Deans: What's the matter? Can't you fight your own battles?

Mr. Haggerty: But why in this particular instance can't you use some of your persuasive voice in the matter of bringing a finalization to this agreement between the Minister of Housing and the Port Colborne General Hospital Board?

Hon. F. S. Miller: Mr. Chairman, I don't know that it is proper for me to tell them what to do with it. I want them properly used.

Mr. Deans: Tell him to direct his question to me, I will answer it. Remember the last time you told somebody to do something with the hospitals.

Mr. Moffatt: Subtle, subtle.

Hon. F. S. Miller: However, I'd be glad to whisper in their ear.

Mr. Deans: I think I was about to raise a question on behalf of the hon. member for Lake Nipigon (Mr. Stokes) who does such a magnificent job as the chairman.

An hon. member: Oh, we'll agree with that.

Mr. Deans: He has a problem that he wants to bring to the attention of the minister, and he asked me if I would raise it for him, since he can't from the seat that he's currently in.

I wonder if the minister has given any further consideration to the difficulties that confront the people who reside in the immediate area of the Terrace Bay hospital, knowing full well that the Terrace Bay hospital has been condemned, that it is a fire trap, that it doesn't have adequate outpatient facilities, that it provides little if any heart treatment facilities, and that there is currently a major industrial undertaking by Kimberly-Clark which will bring in at least 260 new families into the immediate area, which in itself is justification for at least an adequate health-care facility?

Does the minister think that some time in the fairly near future we might be able to get the approval of the finalized plans, the more detailed plans, rather than the approval in principle that has been given but which in itself is rather meaningless, since it doesn't provide one single brick, or doesn't make any clear indication to the people of the area that their immediate needs are about to be met?

Hon. F. S. Miller: Just about a week ago I met with the general medical supervisor of Kimberly-Clark, I believe a Dr. Dedmon—does that ring a bell with you as the right name? I discussed the Terrace Bay problem with him. I can assure you it is on my list. I told Dr. Dedmon that within two or three weeks I'd be getting a complete list of all the potential capital projects in the province. I would then try to tailor them to the tiny amount of money left to me for capital projects for next year. Believe it or not, it is only in the range of $20 million that I have to play with—$20 to $30 million.

Mr. Moffatt: What's 20 or 30 million?

Hon. F. S. Miller: In terms of hospitals, when you heard somebody a minute ago talking about one hospital at $60 million—

Mr. Grande: What I am concerned about is the term that you have it "to play with."

Hon. F. S. Miller: I am trying to tailor as many starts as possible into the number of dollars that I have that are discretionary. It happens that that hospital is still doing pretty well on my priority list. I won't know for perhaps a week whether it makes next year's or not, because I have to see just which hospitals are the most critical in my total list. It certainly has to be one of the more important ones involved in terms of where we have to go. I think it's 23 beds, if I recall.

Mr. Deans: It is not any great facility.

Hon. F. S. Miller: I suggested to Dr. Dedmon, and I'd recommend to the community too, that they start looking at Red Lake and Atikokan hospitals where basically stock plans were used. If you recall, between the time I approved Atikokan hospital about May 30, 1974, and the time it was built was about 15 months. This would be one of the ways, if we are able to say yes, that both time and money would be saved in that area.

Mr. Deans: I want to say on behalf of my colleague, who knows as much about this as I do, maybe even more—

Hon. F. S. Miller: I think so.

Mr. Deans: —that they could easily provide the facility that he requires with a very small number of dollars out of $20 million.

Hon. F. S. Miller: Two million dollars.

Mr. Deans: Two or three million dollars would adequately provide for the needs of the area, considering the fact that Kimberly-Clark is spending some $200 million or $300 million.

Anyhow, I want to turn to another matter because it's closer to my home though not closer to his heart. I was wondering whether in that $20 million, I understand from a letter that I received yesterday or the day before, or Friday last, that Mr. Orris was meeting again with the Hamilton-Wentworth health council to discuss their progress in determining the possibility of providing some kind of health-care facility for the east end of the Hamilton area. My colleague the member for Hamilton East (Mr. Mackenzie) and I, together with his predecessor, have probably spent more time on this one problem than we have on any single problem that I can recall. I wouldn't be exaggerating if I were to say that we haven't been entirely happy with the progress.

I can't think it would be unkind to say that we weren't satisfied in the fullest that the previous health council had even begun to address itself to the needs of that area. The current health council has now been in existence for about a year—maybe not quite a year, maybe eight to nine months.

Hon. F. S. Miller: Since January 28.

Mr. Deans: Is that right? They have been in existence for some time and I haven't seen any evidence of their eagerness to provide even a plan that would begin to meet the need. I don't know whether it's because they have been too busy. Mind you, I have to confess the difficulties we had over Chedoke tended to keep some of us busy for a while, but that seems to have been resolved.

There is a rather large expansion of homes and families taking place in the east end of the city of Hamilton and in the Stoney Creek area, which my colleague from Hamilton East and I jointly represent. I think that anyone looking at Hamilton would appreciate that the facilities currently available are not geared to meet the needs of that expansion and that expansion is likely to continue for some considerable period of time. The emphasis that has been placed on the rebuilding of the Hamilton General Hospital, necessary though it may well be in the eyes of some, I think is undue, over and against the needs that are evident in the east end of the city and the west end of the town of Stoney Creek.

I would like to ask the minister, given that it is now just slightly over two years since I got what I considered to be a commitment from the minister, whether he thinks that maybe we could expect to see something more concrete before the next election. I am not sure when that might occur. Maybe you have more insight into that than I have. I wouldn't like to go back to the people of the area and say that I have another commitment but I still don't have a building or even the indications of what, where, when and how; but whatever it is that's going to be built is going to be built. Perhaps you would like to address yourself to that for a couple of minutes.

Hon. F. S. Miller: I sent the hon. member a copy of a letter from Mr. Orris to the Chairman of Management Board (Mr. Auld) the other day, saying they were discussing it at the very time you were asking me the question. I would suggest that we are put-

ting pressure on them for the resolution of that problem. In fact we wrote into our request for a rationalization of the beds in the city of Hamilton an insistence that part of the city get the proper level of health care —health services I think is the way we defined it—and we are pushing them. I believe we are meeting with them again on Monday next.

Mr. Deans: I don't want to be privy to private conversation, but by the same token I think that in all fairness this is not a political matter. This has nothing to do with partisan politics at least. I would very much appreciate if the health council could see fit to allow my colleague and I to hear what it is that they are considering in order that we might properly represent the people who elected us. I think it is fair to say that neither he nor I, nor anyone else, has made it a major issue as far as the elections or otherwise are concerned. I think the need is there, and if the minister could we would appreciate very much the opportunity to sit in.

Hon. F. S. Miller: I would suggest two things. First, both of you are very welcome to discuss with Milton Orris, the area planning co-ordinator, your concerns, and I would be glad to instruct him to contact you to do so. Secondly, it might be very wise if you both had some discussions with the health council itself, because we are leaving this, as we properly should, to its resolution. I recognize their problems in their first year of operation. Even though they are very senior in other ways, they have reorganized and I believe they are going through some problems of alignment with the various providers in the community. Your direct intervention in this matter, I think, would probably be very useful.

[10:15]

Mr. Deans: Just one final point on it and then I'll let it go.

I don't have the letter in front of me, but my recollection of the letter that was sent to me, I believe it was in October of 1974 —I think that was the first time that I ever received anything concrete with regard to this proposal—my recollection of that was that as a condition of the extending of the funds for the rebuilding of the Hamilton General—Now the rebuilding of the Hamilton General is going along apace; they are already in the process. And I understood that the funds were forwarded on the basis of them having shown a plan for the provision of care for that east end.

I think that it would be all too easy—and I'm not suggesting that they don't care, because I'm sure they do, and I know many of the people on the health council are just as concerned as I am—I think it would be all too easy to delay it until another time. I think that's really what's happened over the last 24 or 25 months and I think that before we go any further with the rebuilding we should simply say that there has to be a clear indication, because the people in the east end deserve that kind of an indication.

I want to turn to another point with you, if I may. I confess that this was perhaps an isolated incident, but it's only isolated becaused I haven't had a chance to check it out and I raise it with you very briefly. I was concerned to have it reported to me by a very agitated lady the fact that she could not have a relative admitted to a hospital because there wasn't a bed in Hamilton area. The lady was suffering from something which, if I were to describe it to you, I'm sure you would agree was of a crucial nature. I'm not going to get into the details of it here.

I was surprised to find that the hospital and the doctor involved simply stated that there wasn't a bed, emergency or otherwise, in the Hamilton area that he could find for her. Have you recently reviewed the numbers of beds in use since the more recent cutbacks to determine whether the per capita use and the daily use of the beds is reaching a point that might be crucial?

Hon. F. S. Miller: I think it's always dangerous to make an assumption on the basis of one refusal, but it would seem that you're still over-bedded in the area, and that the real question would be how well are the beds being used. There is an assessment and placement service, I believe, functioning in Hamilton and that assessment and placement service should be looking at the utilization of beds.

Mr. B. Newman: In discussion with the minister concerning the phasing out of Riverview Hospital, I made mention about the financial statistics and analysis that the ministry provided to those who are attempting to point out to you that the phasing out and the closing up of Riverview Hospital is really not a savings in dollars, but simply a transferral of costs from Riverview to the other hospitals in the community.

Earlier in my comments I made mention of a David Watson. It should have been David Wilson rather than Watson. Professor David Wilson, chairman of the board of IODE, said the Ministry of Health had out-

lined Riverview's financial status, but it wasn't done in the format the board could understand and in the format which was agreed upon. Will you not provide to them the statistics that they require in the format that was originally requested and which was agreed upon by you people?

Hon. F. S. Miller: I am told that the latest figures for Riverview were provided in the format they requested.

Mr. B. Newman: As of when?

Hon. F. S. Miller: November 19.

Mr. B. Newman: November 19? Thank you.

The other issue I mentioned to the minister concerned the curtailment of services at Metropolitan Hospital. Now, I want to read this letter to you because it shows you how one class of patients that use Riverview Hospital are really being penalized. This was addressed to me back in April of this year; it came from a constituent. This concerns cutbacks at Metropolitan General Hospital on blood samples for outpatients which means, in her instance and in many other instances, victims of cancer.

"When on chemotherapy, you must have a blood sample every week before treatment. The treatment itself is inhuman—the after-effects and so forth—and you're very ill. I know from personal experience. But you could get it over with in one day—three hours' waiting time on a good day. Hundreds of victims for Essex and Kent counties — children, teenagers, middle-aged and elderly.

"To take a blood sample from a cancer patient on chemotherapy requires skill that is not going to be found in any clinic. Your veins collapse, are hard to find. It takes patience and knowledge and you will not find it in any other place but in Metropolitan Hospital, because no one else deals with cancer patients. Most patients are too ill to question anything, but I'm not. Getting a blood test now will require an extra day; and since most people are driven by volunteer workers, I wonder how they're going to make it."

The balance of the letter is really not important, but I would like the minister to reply to that when he talks about the curtailment of services at a hospital, especially the curtailment of services in relation to cancer patients at Metropolitan General Hospital, which is the chief hospital for that type of service.

Hon. F. S. Miller: I don't have the knowledge to reply to that. I'll just have to look into it.

Mr. Chairman: The hon. member for Timiskaming.

Mr. Conway: Great fellow.

Mr. Ferrier: Outstanding.

Mr. Bain: That means a lot, Mr. Chairman, coming from an almost northerner.

Mr. Conway: Do you own a bakery?

Mr. Bain: Mr. Chairman, I trust you'll be able to keep the unruly member for Renfrew North under control.

The matter that I'd like to raise with the minister tonight is one that he is familiar with; that is, the future use of the old Kirkland Lake hospital. I'm sure the minister will remember in the House when a petition was presented on two separate occasions. The petition finally had over 8,300 signatures of people in Kirkland Lake and area. This petition called for the conversion of the old Kirkland Lake hospital into a chronic care and extended care facility.

The petition was supported by all segments of the community—the Kirkland Lake council, the medical association, the hospital board, the United Steel Workers and the Chamber of Commerce. The petition was a genuine feeling of support for the idea of converting the old Kirkland and District Hospital into a chronic care and extended care facility.

I realize that the average person doesn't have the expertise that officials from your ministry have; therefore, they look at things in a quite straightforward fashion. In Kirkland Lake we have a building that is a good building, a building that is still worth a considerable amount, and we also have a need in the area for facilities in extended care and chronic care.

It would seem to the average person that that makes a good match. We have a need and we have a vacant building, an excellent vacant building. The ministry, upon receiving this petition, upon questions asked by myself and upon resolutions passed by the local council, was agreeable to conducting a hospital accommodation survey. The survey was conducted in May and it was apparently mailed out in August by the Ministry of Health.

The only problem with the survey is that it's typical of most government surveys. It's nebulous at best and confusing at worst. I

think that one could use the survey to support almost any position that one wanted to hold. I would hope the minister wouldn't use the survey to justify not converting the old Kirkland and District Hospital into a chronic care facility, because I feel that that would be the best use that could possibly be made of the old hospital building.

There could also be use made in a rehabilitation-nursing care sense as well. We estimate that if you consider the need for chronic extended care and rehabilitation nursing care you need approximately 60 beds in the Kirkland Lake area. The old hospital could be converted at minimal cost. You wouldn't have to undertake extensive remodelling.

The main section of the hospital is less than 20 years old—approximately 15 years old—and the hospital itself is in very good shape. Presently it's being maintained by the Ministry of Government Services. There are security guards on duty and it's now been heated through one winter and we're starting our second winter. So the government is laying out a considerable amount of money already to maintain the building, yet there seems to be no disposition in sight for the building.

As I said, the need is very great. The patients who could use this kind of a facility are there already and would like to be able to move into it. There are people who are in the senior citizens' residence, Teck Pioneer Residence, who would better use a facility such as a chronic and extended care hospital.

There is also a tremendous lack of senior citizens' units in our area. I think this is true of the north in general. I think this might be an area where the ministry could start something that would be innovative. We know that your ministry and the Ministry of Community and Social Services tends to compartmentalize people, and you say, "Well, senior citizens' units—that's taken care of by the Ministry of Housing. They'll have to build some senior citizens' accommodation." Sure, that's nice to say, but the Ministry of Housing has consistently had a limited budget and the units are not being built nearly in the quantity that they're needed.

Here we have a hospital building, a good building, that has rooms in it that could be easily used for senior citizens who would like to live in a senior citizens' apartment atmosphere. Not only could you have extended care and chronic care, you could also have a good mix; you could have some sort of senior citizens' units as well.

The need, I think, is very difficult for the minister to appreciate because he may not be totally familiar with the number of elderly people in northern Ontario who just do not have adequate facilities. One group of people that have a tremendous need are single senior citizens. I know a number of elderly miners who have long since retired and are living on inadequate pensions, who live in rooming house facilities.

Would the chairman like me to move adjournment and we can—

Mr. Chairman: We could pass the vote.

Mr. Germa: Seventeen people are waiting.

Mr. McClellan: Mr. Chairman, I don't think we are under any constraint to finish this evening, if I understand correctly from the House leader. Perhaps we could continue the debate on Thursday.

Mr. Chairman: Can you break your remarks here then?

Mr. Bain: I will continue with the need for this facility for retired miners and such or I could continue that next time we sit, Mr. Chairman, so I will move adjournment then.

Mr. Conway: Broken again.

On a motion by Hon. Mr. Auld, the committee of supply reported progress and asked for leave to sit again.

On motion by Hon. Mr. Auld, the House adjourned at 10:30 p.m.

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Third Session of the 30th Parliament

Thursday, December 2, 1976

Afternoon Session

Speaker: Honourable Russell Daniel Rowe
Clerk: Roderick Lewis, QC

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LEGISLATURE OF ONTARIO

THURSDAY, DECEMBER 2, 1976

The House met at 2 p.m.

Prayers.

Mr. Speaker: Statements by the ministry.

CLASSIFICATION OF NEW DRIVERS

Hon. Mr. Handleman: Most of the members are probably now aware through the media of the announcement that insurance premiums for new drivers will be considerably reduced—as much as 44 per cent in some instances. We are very pleased that the Insurance Bureau of Canada has seen fit to recommend the programme at this time.

The initial step goes back about a year when officials of my ministry first contacted representatives of the insurance industry with the proposal. I should point out that the Premier had a deep personal interest in the discussions and has participated in many of them.

Statistics indicate clearly that young drivers are involved in a disproportionately high number of accidents and, of course, most new drivers fall into the category of young drivers. Nevertheless, we feel the time has come to give the new driver the opportunity to get behind the wheel without the presumption of guilt currently reflected in the high rates paid by all members of this group. With this in mind, the programme was developed to provide incentives for beginning drivers to establish and maintain a clear driving record.

Without going into the nuts and bolts of the actuarial determinations, the industry has traditionally had five categories—driving records 0, 1, 2, 3 and 5—reflecting the highest through the lowest premiums respectively. A new driver who has completed an approved driver training course will now enter the insurance market at level 3. A driver who has not completed an approved course would enter at level 1. The difference in premiums between levels 3 and 0 could be as high as 44 per cent, while the level 1 driver can expect to save 16 per cent rather than the 10 percent which was originally reported. In either case a new driver involved in an accident, for which he or she is totally or partially at fault, would regress immediately to level 0 and could then progress upwards again based on years of accident-free driving.

Companies belonging to the Association of Independent Insurers plan to adopt the programme immediately and other companies have expressed approval in principle. No doubt, there are many problems to be worked out, such as the definition of an approved driver training course, but we expect, and urge, speedy acceptance by the entire industry. We assume the industry will publicize the programme as it is implemented. We advise the new driver to seek out participating insurers and not to assume the rate quoted to him reflects the new programme.

My officials will continue to work with the industry to develop changes in reporting which will be necessary in order to implement proper monitoring procedures.

PROVINCE-WIDE CONSTRUCTION BARGAINING

Hon. B. Stephenson: Later this afternoon I will be introducing a bill to establish province-wide, single-trade bargaining in the organized industrial, commercial and institutional sector of the construction industry. This bill embodies the main recommendations contained in the report of the Construction Industry Bargaining Commission which I tabled in the Legislature on June 4, 1976.

Members will recall that on tabling the report, I announced a number of substantive and technical details required exploration and further study before any portion of the report could be implemented. I, therefore, authorized the inquiry commission to make a detailed assessment if those matters in consultation with all persons potentially affected. The process of assessment and consultation, conducted by the commissioner, Mr. Donald Franks, and senior officials of the Ministry of Labour, has now been completed. I am pleased to report to members of the House that the commissioner advises me the contents of the bill which I shall be introducing today has broad support from both labour and management in the industrial, commercial and institutional sector of the construction industry.

The bill, as I have emphasized, is confined to the industrial, commercial and institutional sector of the construction industry and will result in the reduction of bargaining situations from 205 to approximately 25, as a result of the requirement that bargaining within that sector be conducted on a single-trade, province-wide basis. This is the prime feature of the bill. There are two important related features: First, all collective agreements within that sector will be for two years and will be required to expire on a common date; second, provision is made for the designation of a co-ordinating agency to enable employer bargaining agencies to exchange information and data and to engage in related co-ordinating activities.

The reduction of key bargaining situations to 25 or so recognized trades or crafts in the industrial, commercial and institutional sector should eliminate disruptive intra-trade and inter-regional bargaining rivalries, and thereby bring a greater measure of rationality and stability to that bargaining process. The requirement to bargain by trade on a province-wide basis should encourage the parties to adopt broader perspectives in bargaining, to the benefit of employees, employers and the province as a whole.

Mr. Roy: Thank the member for Sarnia (Mr. Bullbrook).

Hon. B. Stephenson: Finally, the resulting concentrated nature of bargaining within the sector should enable the Ministry of Labour to provide even more effective and innovative mediation services to the parties. In the past, with more than 205 key bargaining situations to service, it has been difficult to develop the most effective and systematic approach to dispute resolution in this important sector of the construction industry.

It is also important to stress the need for this bill to be passed during the current session of the Legislature, if it is to be available to the parties for the forthcoming round of negotiations. As hon. members know, approximately 70 per cent of all collective agreements in this sector of the industry expire on April 30, 1977. Therefore, it is essential that the bill be enacted in order to provide sufficient lead time for the parties to form the agencies necessary to conduct the province-wide bargaining which is required under the legislation. I hope all members of this House will appreciate that this bill embodies a unique labour relations concept.

Mr. Roy: That's right; it's ours.

Hon. B. Stephenson: In assessing its worth and its practicality, I have relied in considerable measure upon the advice and the assurances of many of the affected parties, employers and trade unions alike. Indeed, the degree of bipartisan support and encouragement has been remarkable. I believe that kind of co-operation and evidence of common purpose between labour and management must be encouraged.

However, it is, as I have said, a new departure in the structure of collective bargaining, and therefore the government must carefully monitor the new process as it evolves. As the monitoring proceeds, I will not hesitate to recommend changes as circumstances may require.

The last point I should wish to make is this: Since the imposition of economic controls by the federal government, my ministry has been searching for ways in which the free collective bargaining process can be improved, in order to operate effectively and reasonably in the post-control economy. I sincerely believe this bill is one important step toward that goal.

Mr. Roy: Are you going to thank the member for Sarnia?

Hon. B. Stephenson: I've already done it.

Mr. Roy: No, you haven't. Publicly you didn't.

CURRENT SALARY NEGOTIATIONS

Hon. Mr. Auld: On October 28, I advised the House that tentative settlements within the guidelines had been reached at the bargaining table in two of our eight salary categories. At that time, I expressed the hope that a pattern was developing which would result in similar settlements in all the other categories.

I am delighted to report, therefore, that not only have we reached tentative agreement on all salary categories but we have as well tentative agreement on a one-year employee benefits contract and a two-year contract with respect to the classification system.

I would like to say that union officials and other employee representatives on the bargaining committees are to be commended for the realistic position they have adopted in this year's negotiations. In recognizing the existence of the wage and price guidelines and agreeing to settle within those guidelines, they have shown a sincere desire to represent the best interests of the members at large.

All tentative agreements are, of course, subject to ratification by the membership and approval by the Anti-Inflation Board, and I hope I will soon be able to report affirmative responses in both areas.

HYDRO POWER REDUCTION

Hon. Mr. Timbrell: As members are no doubt aware, some technical difficulties at the Nanticoke coal-fired generating station have resulted in Ontario Hydro taking 500-megawatt units out of service for repairs and testing. As a result, Ontario Hydro advises me that the province would face the possibility of incurring brownouts during the period necessary to make those repairs.

A brownout is a planned reduction in power which is implemented to avoid a breakdown in the electrical supply system. To consumers, a brownout means lower voltage and consequently dimmer lights in the initial stage and, if necessary, a second stage of rotating cuts in power supplies to selected areas while ensuring there is no interruption to essential services such as hospitals.

[2:15]

In addition to the technical difficulties at the coal-fired Nanticoke generating station, the current situation has been caused by low water levels supplying Ontario's hydraulic generating stations and—

Mr. Haggerty: Not on Lake Erie.

Hon. Mr. Timbrell: —an unusually high demand for electricity by Ontario consumers, no doubt caused by the cold weather.

Fortunately, Ontario Hydro's reserve margin in generating capacity of 28 per cent is just able to cope with the problem, barring unforeseen circumstances. However, that reserve margin has been cut to six per cent, which by anyone's standards is too close for comfort.

Because of the situation, Hydro has cut all exports of interruptible power to interconnected utilities and in fact is purchasing electricity from New York State. In addition, cuts have been made to industrial customers with interruptible service. Hydro is examining the possibility of purchasing power from Michigan, Manitoba and Quebec but their utilities are also facing tight supply situations.

Energy conservation is essential at all times, but it is particularly important now until such time as the Nanticoke station has been returned to full service. This is unlikely to take place until after Christmas. Therefore I am asking all consumers—residential, commercial and industrial—to curtail their use of electricity as much as possible—

Interjection.

Hon. Mr. Timbrell: —in the next while, especially during the peak period from 4 p.m. to 7 p.m. when the most electricity is used each day.

I would like to emphasize that this is not a crisis but that the situation does necessitate more prudent use of electricity. I would like especially to suggest that people eliminate all non-essential uses of electricity, including decorative lighting, during the peak period.

Mr. Breithaupt: Cut off that microphone.

Mr. Cassidy: You should have adopted my bill about daylight saving.

Mr. Speaker: Order, please.

Mr. Reid: Turn off your shredders between 4 and 7.

Mr. Speaker: Oral questions.

HOSPITAL CLOSINGS

Mr. Lewis: A question for the Minister of Health, Mr. Speaker: Are we right in assuming that the appeal cases on the closing of the various hospitals are not likely to occur until well into the year 1977—that is perhaps February or March? Is the minister then in a position to guarantee continued funding for another period of time beyond December 31, 1976? Has he communicated that to the hospitals involved?

Hon. F. S. Miller: I am not aware of any change in the court. I was just going to ask the Attorney General that same thing. I had heard a rumour through one of the members of the press—

Mr. Roy: Just make sure he doesn't argue your case.

Hon. F. S. Miller: —that there was a delay until February, but I have not been able to confirm that. On the other hand, I stand by my original statement that the hospitals will be funded until such time as the matter is resolved, either in the courts or in this Legislature.

Mr. Lewis: Perhaps I could redirect. Has the Attorney General an agenda or a timetable? Does he know when the case is likely to be heard?

Hon. Mr. McMurtry: I had expected the case would have been heard in December; it might be heard in December but there is a very strong likelihood it may not be heard until January. That's my present information. If I have any better information, I will report to the House.

Mr. Roy: Supplementary, Mr. Speaker: I wonder if the Attorney General might advise whether the Minister of Health has asked him to argue the case on the government's behalf?

Mr. Sargent: He's booked to take them.

Mr. Speaker: Any further questions?

Mr. Roy: He has a date; you know why.

Mr. Breaugh: He is just trying to make some money.

Mr. Stokes: Did he ask you, Albert?

TRAINING SCHOOL DEATH

Mr. Lewis: A further question if I may for the Minister of Health: Has the Minister of Health yet had the opportunity to look at the inquest recommendations in the case of Norma Dean and the specific recommendation or request for the Ministry of Health and the Ministry of Correctional Services to work out some kind of relationship whereby information can be passed and after-care can be maintained? Is he able to indicate to the House what he might do in relation to this particular recommendation?

Hon. F. S. Miller: I received the very brief copy, as I am sure the member did, just within the last short while. I don't know how quickly he had his but mine came to me within the last 30 minutes. I did read it. I wasn't quite sure what they meant by a yearly orientation programme between the two ministries.

Certainly I am sure both myself and my colleague, the Minister of Correctional Services (Mr. J. R. Smith), will be glad to look into it and perhaps also find out a little more clearly what the coroner's jury had in mind when it made that recommendation.

Mr. Lewis: By way of supplementary, without wishing to provoke argument: Can I ask the minister on the basis of some of the evidence that was provided at the inquest that he have a further discussion with Thistletown in an attempt to persuade this premier centre of government treatment centres that it should stop charging as many adolescents as it does before the courts as a way of showing them the fashion in which the law functions, and perhaps seek other therapeutic alternatives?

Hon. F. S. Miller: I don't even need to talk in the future tense. I can talk in the past tense. I can tell the Leader of the Opposition I have met with the director and with the administrator. I can tell him I have issued a written order—

Mr. Lewis: Have you?

Hon. F. S. Miller: —that no child may be sent before the courts without my personally reviewing the case first.

Mr. Lewis: That is excellent.

Mr. Shore: Didn't you get that piece of paper?

Mr. Lewis: I would trust the minister's lay sensitivities over their professional expertise three out of five times.

Mr. Breithaupt: Four out of seven at worst.

Mr. Lewis: Look, 60 per cent for a Tory seems pretty generous to me. I'll leave it at that.

INCREASE IN ELECTRICITY USE

Mr. Lewis: A question, if I may, for the Minister of Energy: Can the minister explain why the megawatt demand has jumped from 14,500 in February 1976 to 15,500 in December 1976, a jump of 1,000 megawatts in that period of time, which doesn't seem to be accounted for by simple residential use? Has the minister made a breakdown of this unusual jump?

Hon. Mr. Timbrell: The breakdown by region—

[Failure of sound system.]

Mr. Roy: We are saving on the power.

Hon. Mr. Timbrell: —type of use would not be available for a number of months, but the main thing is the unusually cold weather for this time of year that we are experiencing in some parts.

Mr. Lewis: Cold in February, too.

Hon. Mr. Davis: Christmas too.

Hon. Mr. Timbrell: In terms of degree-days and impact, I think it is worse right now than it was then.

Mr. Ruston: It is cold in the banana belt right now.

Ms. Gigantes: I would like to ask the Minister of Energy whether the kind of breakdown that we are experiencing at Nanticoke would lead him to reconsider the kind of centralized generation system that Hydro has been building and the danger that puts us in, in terms of—

Mr. Speaker: Order, please. That is not supplementary to the intent of the first question, which had to do with the jump in demand. There could be a new question later.

Mr. Reid: It's better than most.

MERCURY POLLUTION

Mr. Lewis: A question, if I may, to the Minister of the Environment: Can the minister table with the Legislature the final report, if such exists, on the levels of mercury found in the soil in the vicinity of the American Can company in Marathon, and indicate to us what action his ministry intends to take?

Hon. Mr. Kerr: Yes, if such information exists, I will be happy to table it in the Legislature.

Mr. Lewis: Is the minister not aware that such information exists?

Hon. Mr. Kerr: Yes, I am aware of a report that deals mainly with the receiving stream at Marathon and an assessment that was made prior to a prosecution. I haven't had a chance to look at the details of that report. If it includes soil, the report will be tabled.

Mr. Lewis: By way of supplementary, I have a memo from within his ministry from December 1975; I gather it was further pursued in 1976. Can the minister go back to look at and explain the assessment surveys in the vicinity of the pulp and paper mill in Marathon, showing what they describe as "very high levels of mercury found at three sites to the south of the plant. Very high levels were found to the south of the chloralkali plant and concentrations therewith."? How is this mercury getting into the soil? Is there any danger since local inhabitants and kids use it? What kind of procedures is the minister taking?

Hon. Mr. Kerr: As American Can is using mercury in its process, particularly at its chemical chloralkali plant, there are bound to be emissions from the stack at that plant. As well as loss of mercury in its effluent, about which we are concerned, there is also a loss by way of emissions that would contaminate the soil surrounding the plant.

OHTB BUS LICENCE

Mr. Lewis: My last question is to the Minister of Transportation and Communications before he leaves. Is the minister willing to bring together the Resources Development secretariat, of which he is a part, to hear submissions from the various aggrieved groups involved in the Greyhound-Gray Coach controversy before a cabinet decision is made?

Hon. Mr. Snow: I think that question should more appropriately be answered by the chairman of the Resources policy field rather than myself. Before I would answer it in any case, I would like to give consideration to it and get some advice as to whether that would be appropriate.

Mr. Lewis: Now that the Minister of Transportation and Communications has given the cue to the Provincial Secretary for Resources Development as to how he might respond, perhaps I could ask that minister, in view of the growing agitation around the Gray Coach-Greyhound controversy, would he consider, as part of the decision process, having his committee hear submissions from the Toronto Transit Commission, the unions involved, and interested citizens, since that seems not to have been available in total to Mr. Shoniker when he made his decision?

Hon. Mr. Irvine: I certainly would consider it. I don't know all the legalities of the case. I've listened to my colleague, the Minister of Transportation and Communications, in the last few days answering questions. As far as we are concerned, in our policy field we meet with as many delegations as we feel we possibly can. I have no reason to say I wouldn't meet with the people the member is referring to.

Mr. S. Smith: A question to the Minister of Transportation and Communications: Could he comment on and confirm the report in the Toronto Star which quoted a Greyhound official as saying that that company spent "thousands" to bring 70 witnesses from northern Ontario, from Buffalo and from Rochester to Toronto for the board hearings into the application which is presently in dispute?

Hon. Mr. Snow: I likewise read the article. I have no way of knowing whether that quotation is right or not. I have no way of disputing the correctness of it. In many cases when applications are before the board, some of which are very extended and some of which require witnesses to come from considerable distances and perhaps spend several days until they have their opportunity to appear, for either side in the action, I'm not sure of the policy of either the applicants or the respondents, whether they feel obligated or whether it is appropriate for them to pay the expenses of witnesses who are appearing. I'm not sure how this is done.

Mr. Cassidy: You're condoning the use of big-money tactics.

Hon. Mr. Rhodes: Oh, you're as phony as a three-dollar bill.

Interjections.

Mr. Speaker: Order, please. The hon. member for Hamilton West only has the floor.

Hon. Mr. Rhodes: It's called a subsidy and you're in favour of that.

Mr. Speaker: Order, please. The member for Hamilton West.

Mr. S. Smith: Can the minister assure the House one way or the other regarding whether or not the board was aware that the witnesses who appeared at the hearing had their expenses paid by one of the companies that was before the board, before the hearing? Would the minister not agree that it might be a better system to have the board pay witness fees, much as a court of law does, and then assess costs among the various applicants to the tribunal?

Mr. Drea: Why don't you read the select committee report?

Mr. Cunningham: Why don't you implement it?

Mr. Drea: Teach yourself.

Mr. S. Smith: Teach the minister.

Hon. Mr. Snow: I have no way of knowing. I have not asked—

Interjections.

Mr. Speaker: Order, please. The hon. minister has the floor.

Hon. Mr. Snow: I have not communicated with the chairman of the board to find out whether the board members hearing the case were aware of witnesses' expenses being paid or not.

Mr. S. Smith: I will ask the Premier briefly on the same topic: In view of the considerable concern that this matter is causing Metro Toronto, which after all indirectly owns Gray Coach and now finds the company will lose its main profitable routes, would he be willing to meet with chairman Godfrey of Metro Toronto to discuss the matter before the cabinet reaches its decision?

[2:30]

Hon. Mr. Davis: I think, in fairness to the member for Hamilton West who, I know, wants to be fair, he would want to correct the impression he has left that Gray Coach automatically loses its routes. As I understand it, and I haven't read the decision, Gray Coach doesn't lose anything.

Mr. S. Smith: Read it.

Hon. Mr. Davis: It doesn't lose the routes. All I'm trying to do is suggest that when the member suggested it loses the routes that is factually not the case.

Mr. S. Smith: The result is the same.

Hon. Mr. Davis: The impact on Gray Coach may or may not be significant, I am not prepared to prejudge it.

Interjections.

Mr. Speaker: Order.

Hon. Mr. Davis: I think we should try to be factual in dealing with these matters. I understood the member for Hamilton West might be asking me today whether I would be prepared to meet with the chairman of Metro. I have never refused to meet with the chairman of Metro—I certainly can't think of any reason for refusing to meet with the chairman of Metro, or with the mayor of the city for that matter.

Mr. Lewis: Why not?

Hon. Mr. Davis: I've met some of your friends from time to time—whenever you've asked, I have.

Mr. Lewis: Not often.

Hon. Mr. Davis: I do point out what I said to the member for Hamilton West the other day. I do ask him to consider, and perhaps he could discuss it with his colleagues, the appeal to cabinet on any issue, as I've expressed in this House before, is a system or a procedure with which I am not

particularly comfortable. I think this applies to my colleagues in cabinet. We are often called upon to review decisions when we are not totally expert in the field. I would confess right now to the member for Hamilton West that I don't purport to be an expert in terms of the issuance of licences for bus companies or truckers or whatever.

Mr. Roy: I wouldn't stop there; keep on going.

Hon. Mr. Davis: I would say to the member for Ottawa East, unlike him I don't purport to be an expert in anything, but I do my best.

Mr. Conway: That's obvious.

Interjections.

Mr. Speaker: Order.

Hon. Mr. Davis: I have been here quite a while now and the more I'm here the more I realize that you people are far more expert than we are and I accept that.

Interjections.

Hon. Mr. Davis: The only thing is, thank heaven the public doesn't see it that way and that's what's relevant.

Interjections.

Hon. Mr. Davis: I am not saying to the member for Hamilton West that I would refuse to see the chairman of Metro. I don't think he has asked to see me—not that I know of yet. He may have; I haven't heard this. I do suggest it may be that I will say to the chairman of Metro, if there is an appeal—and I gather from press reports there is an appeal being prepared—it would be more appropriate to make that sort of decision or consideration after an appeal is lodged with the cabinet.

I try to draw parallels of cabinet sitting in a semi-judicial sense. Would it be appropriate for somebody who momentarily takes on the aura of a judge of a court to be talking to witnesses in advance of the hearing?

Mr. Breithaupt: The Premier should never do that.

Hon. Mr. Davis: The member for Kitchener would immediately say, "The Premier should never do that. That would be totally inappropriate."

Mr. Reid: You win. We give up.

Mr. Nixon: The answer is no.

Mr. Reid: Is that yes or a no?

Interjections.

Hon. Mr. Davis: I would have to think it through very carefully.

Mr. Cunningham: Given the known disposition of the minister on this particular contentious issue, would the Premier exclude him from these discussions when it reaches the cabinet?

Hon. Mr. Davis: I don't think the hon. member really would expect that the Minister of Transportation and Communications, who has some knowledge and expertise and experience in this field, should be excluded from the discussions by the executive council. I think the member, in making that suggestion, probably hasn't thought it through carefully and really didn't suggest to me, I'm sure, that the hon. minister not be included in those deliberations.

Mr. S. Smith: I take it that the answer to all that was yes, but I will never know.

BILINGUAL COURT SERVICES

Mr. S. Smith: A question for the Attorney General: Is the Attorney General planning to take any action to correct the situation in which probation orders from courts in Ontario, even in areas with a very large francophone population, are written entirely in English, even in situations where the orders themselves contain many important provisions that the person who's on probation needs to be able to obey and to respond to? Why can these not also be provided in the other official language of this country?

Hon. Mr. McMurtry: Mr. Speaker, we certainly are trying to extend our bilingual services throughout our court system, throughout the justice system in this province. I will certainly look into the matter that the hon. member opposite raises, and if he could give me any specific examples this would be of assistance to us.

Mr. Cassidy: Supplementary: In view of the minister's reply, can he give us an assurance of when bilingual services will be introduced in the courts in Ottawa, since pilot programmes are under way now in Hawkesbury and in Sudbury?

Hon. Mr. McMurtry: No, I can't, Mr. Speaker.

OTTAWA LAND SALE

Mr. S. Smith: In the absence of the Treasurer (Mr. McKeough), if I might direct a question to the Premier: Is the Premier or the Treasurer planning to initiate some form of public inquiry into the matter of the land sale by one Aubrey Moody in which it is alleged that Mr. Moody and his partners were able to make a profit of about $950,000 in a sale that was recently written up in the Ottawa Citizen?

Hon. Mr. Handleman: Would you say it outside the House?

Hon. Mr. Davis: Mr. Speaker, I must confess I haven't read that story in the Ottawa Citizen. I hadn't heard of it until this moment. I will discuss it with the Treasurer and one of us will have an answer for the hon. member—perhaps not until Monday.

Mr. Roy: Supplementary: I wonder if the Premier could verify with the Treasurer that his ministry was aware of the complaint back in 1974, and aware of the fact that the former reeve—he was a councillor—who participated in a discussion on the planning board and so on, did not reveal his interest between 1972 and 1974? This was brought to the attention of the ministry. Could the Premier ask the Treasurer to give us some explanation why no action was taken then?

Hon. Mr. Davis: Mr. Speaker, the member for Ottawa East has, as is his wont, set out what he believes to be certain facts, and I'm not disputing them. He knows full well I don't know whether they are the facts and he is asking me, in advance of ascertaining whether what he says is factual, for a response from the minister.

Mr. Roy: It usually is.

Hon. Mr. Davis: I know the member for Ottawa East really wouldn't expect that I would do this. I will bring this matter to the attention of the minister and one of us will have an answer for him, as I say, perhaps by Monday.

FUNDS FOR ALEXANDRIA CENTRE

Mr. S. Smith: A brief question, if I might, to the Minister of Community and Social Services:—

Mr. Nixon: The Dickensian minister.

Mr. S. Smith: With regard to the mental retardation project in Alexandria, which comes under the vocational rehabilitation branch of the ministry, can the minister explain why it is that the money never seems to arrive there, and that for the second month in a row they didn't have money to pay the salaries of the people who are on that grant? Can he confirm that the hon. member for Stormont-Dundas-Glengarry (Mr. Villeneuve) was able to assist and get the money for them a month ago, but now the same problem has arisen again, and they're just not able to get their money from the ministry? What is going on?

Hon. Mr. Taylor: Mr. Speaker, in general terms may I simply say this, that there have been some problems in regard to the workshop areas in terms of funding pertaining to the mentally retarded. The reason for this was that their budgets were approved on an annual basis. In a number of cases there's been an expansion of their programmes, and in the area of mental retardation physical expansion of plant; and of course the operating expenses which would be attendant upon a physical extension of a plant would be permitted under our current policy.

In a number of cases, workshops have gone ahead and expanded their programmes and their numbers without first obtaining the approval of my ministry, with the result that they have substantially used up the year's revenue before the year has expired. In general terms, that is a problem we have experienced with a number of cases.

Mr. S. Smith: Not this one.

Hon. Mr. Taylor: What I have said, and I've said it in the House before and I'll repeat it to the member again today, is that there will be no workshop closed in the province because of lack of funding where that workshop is operating in a reasonable way. I've personally reviewed a number of them and I will continue to do so to assist them. I've also said we will assist them in terms of suggestions—that is use the expertise of our staff—and also in terms of financial planning.

Mr. S. Smith: By way of brief supplementary, I appreciate the discussion and I'm sure of the minister's intentions, but could he please guarantee to us that he'll look into the precise details of the Alexandria location, where they are well within their budget and in fact have earned more money than they were expected to and yet have this frustrating problem, way off in the corner of the province there, of being unable to pay their staff each month?

Just let the minister give me his personal assurance and I'll accept it.

Hon. Mr. Taylor: Again, I wouldn't single out that one. I'd be happy to work with the hon. member and with the workshop on that.

Mr. S. Smith: Thank you.

TUITION FEES

Hon. Mr. Parrott: On November 30, Tuesday of this week, the member for Scarborough-Ellesmere questioned the necessity for an increase in tuition fees since—and I quote from Hansard:

"The minister has decided to spend $44 million more than he had been advised to by the OCUA"—Ontario Council on University Affairs.

The member then asked me, and again I quote from Hansard:

"Will the minister table a definitive response justifying a budget far greater than that which was devised by OCUA; and when will we see the report from the advisory committee on student aid?"

Mr. Conway: Take it easy.

Hon. Mr. Parrott: At that time I suggested the member might like to reconsider his figures. However, I understand he does not wish to avail himself of that opportunity and I have therefore undertaken to respond to him today.

Mr. Mancini: Easy. Easy.

Hon. Mr. Parrott: And it is as follows: OCUA recommendation 76-7, on page 19 of their report to me, calls for a funding level of $702.8 million to be provided through grant or fee increases compensated by student assistance. However, this does not include funding of all programmes within the system, as subsequent OCUA recommendations recognized.

Hence, OCUA additional funding recommendation 76-8 is for $3.3 million for the bar admission course and theology programmes, and recommendation 76-9 for additional system needs of $3.5 million, bringing the required total funding to $709.6 million.

To this, our ministry line budget items of $13.5 million—approximately the same as for the current year, and including such non-formula expenditures as the funding of faculties of education, the Ryerson nursing programme, and a special allowance for building repairs—bring the required funding level to $723.1 million.

The fee increase, if passed on to the students, generates $20 million. Hence, OCUA's recommendations lead to a necessary funding level of $703.1 million, which is precisely what I announced in the House.

The chairman of OCUA has assured me the announced funding level reconciles exactly with the OCUA's request, and I have the pertinent data here which I will be pleased to supply to the member for Scarborough-Ellesmere.

As reported to the House last month, the report from the interim committee on financial assistance to students will be available early in the new year. However, the recommendation of tuition fee levels is not within the terms of reference of that committee.

Mr. Speaker, these are the facts. Now I would not go so far as to suggest to you that the member may have misled this House—

Interjections.

[2:45]

Mr. Breithaupt: How far will you go?

Hon. Mr. Parrott: I said I would not go that far, but I will go this far, to suggest that the member has misled the students of this province, and that is a very serious concern.

Interjections.

Mr. Warner: While I appreciate the response from the minister in providing me with figures, does he now realize that because he did not table all of the relevant documents on November 15 when he made his original statement he has created a great deal of confusion for all of the interested groups from the college; and universities around this province, including myself? Does he realize that it is very difficult to extract information from this government? It's like pulling teeth to get the kind of information that's needed to raise questions in the House.

Mr. Breithaupt: The minister knows how hard it is to pull teeth.

Hon. Mr. Parrott: I think the member should know, and the statement I read in this House clearly stated it, that I sent that advice to all the presidents and all the chairmen of the boards. They had it in their hands at the exact moment that statement was made in the House. That information is readily available. Had the member had the courtesy to ask for it, he could have had that report as well.

Mr. Lewis: Whatever happened to The Freedom of Information Act?

Mr. Speaker: Order, please.

FUNDS FOR SPECIAL FACILITIES

Mr. McClellan: I have a question of the Minister of Health. The Willard report recommended that special facilities be established under the jurisdiction of The Mental Health Act, at both Huronia and Penetanguishene, for emotionally disturbed retardates who are potentially harmful and dangerous.

In view of the urgency and the obvious danger to safety, my question of the minister is why has he not proceeded to provide the necessary funds to establish these facilities at Huronia and Penetanguishene immediately rather than, as he indicated in the debate yesterday, in the 1977-78 budget?

Hon. F. S. Miller: I think the member is referring to the ruling of the chairman during discussions on my supplementary estimates.

Mr. McClellan: No; the minister's answer was in Hansard.

Hon. F. S. Miller: I said funds would be in the 1977-78 budget for such a thing, not in the budget we were discussing last night. I don't think one should jump to the conclusion that funds are going to be available at all. If funds are available, that's where they'll be.

Mr. McClellan: Will they be available?

Hon. F. S. Miller: I am unable to say right now. I am unable to say until such time as the Ministry of Community and Social Services and my own ministry are able to come to an agreement on the recommendations in that report. I agree it's a very critical problem. We have a series of people who are retarded who in the Ministry of Health's opinion are not emotionally or mentally disturbed but in the opinion of the other ministry are, and they are falling between two stools. In the main, they are often left in our facilities. The lady who was left at the Queen Street Mental Health Centre and who died there two or three weeks ago is an example of that kind of person, who, for some reason or other, should be in other than a mental institution.

I want to have a chance—in fact my staff are already discussing that report and I hope we'll have something concrete as quickly as we get agreement.

Mr. McClellan: Surely the minister would agree that if he waits until next year he would almost be guaranteeing some kind of a repeat of the tragedy at Huronia, and that he needs to act well in advance—

Mr. Speaker: Order, please. Is there a supplementary question for information? Really, you're giving advice, which is really not the intent.

Mr. Bain: The minister needs the advice.

Mr. McClellan: I asked the minister would he not agree that it is dangerous to wait.

Mr. Conway: The old colonial railway.

Hon. F. S. Miller: The decision could be made today to go ahead but I can assure the member the facility wouldn't be ready until at least March 31. I think we both agree on that. The decision will be made as quickly as it can be and implemented as quickly as it can be, on the assumption that it's affirmative.

NIAGARA ESCARPMENT COMMISSION

Mr. McKessock: A question of the Provincial Secretary for Resources Development: A two-day meeting of the Niagara Escarpment Commission advisory committee was scheduled for Owen Sound and was changed to Toronto earlier this week. The reason given was so the committee could fly over the Escarpment, leaving from Toronto Airport. Could the minister tell me who the instigator was of the change in this meeting place?

Hon. Mr. Irvine: No, Mr. Speaker, I cannot. The Niagara Escarpment Commission operates entirely on its own jurisdiction and the advisory committee, I would assume, is acting under the jurisdiction of the Niagara Escarpment Commission.

Mr. McKessock: Supplementary: In view of the fact that walking the Escarpment would have given them a much better perspective, and then they would have realized that the control area was far too large, does the minister not feel that flying this committee over the Escarpment is a waste of taxpayers' money?

Hon. Mr. Rhodes: You get a good view of the Rockies walking through passes too.

Mr. B. Newman: How many times have you walked it?

Hon. Mr. Irvine: No, Mr. Speaker, I don't feel it's a waste of taxpayers' money. As a matter of fact, I've flown over it myself and tried to acquaint myself with the whole area.

Mr. Breithaupt: Especially on a cloudy day.

Hon. Mr. Irvine: I can assure the hon. member I don't intend to walk it all.

Mr. Breithaupt: Put them up in the CN Tower and let them look at it.

COW-CALF PROGRAMME

Mr. Wiseman: Mr. Speaker, a question of the Minister of Agriculture and Food—

Mr. Conway: Bill! Bill!

Mr. Wiseman: In view of the cow-calf programme monitoring of the heavy calves in the sales ending the end of November, could the minister tell us if he has had a chance to figure out the average price; and if this price does indicate that there's a payment coming to the farmers enroled in this programme, will they get it in time for Christmas?

Mr. Breithaupt: Ho, Ho, Ho.

An hon. member: He just happens to have the answer.

Interjections.

Mr. Speaker: Now can we hear the hon. minister?

Hon. W. Newman: Mr. Speaker, let me say in answer to the question I was very disappointed in the calf prices this fall, to the farmers of this province—

Mr. Wildman: You weren't the only one.

Mr. Breithaupt: Where are the other two wise men?

Hon. W. Newman: Your friends in Ottawa may have caused a lot of problems—

Mr. Speaker: Order; order please, the hon. minister. Answer the question.

Mr. Breithaupt: Are there two other wise men involved in this too?

Mr. S. Smith: Are they the same one's who did the AIB?

Mr. Speaker: The hon. minister only has the floor to answer the question.

Mr. S. Smith: Down the chimney he will come.

Hon. W. Newman: Mr. Speaker, it is anticipated the price—the final sales figures have not come in yet—will be somewhere around 33 cents per pound—

Mr. Wildman: You said the prices will rise this fall.

Mr. Speaker: Order, order.

Hon. W. Newman: —and there will be a payout, of course, under the programme. It might be interesting to note also, Mr. Speaker, under the programme we have 4,000 more applications of people involved than last year, which indicates a very fine programme.

Interjections.

Mr. Wiseman: With all the noise, I don't think the minister could hear me, but I asked if there was a payout to be made, can the farmers expect that in time for Christmas?

Hon. W. Newman: Mr. Speaker, I would anticipate that the payment—

Mr. Good: Wait until the election.

Hon. W. Newman: —would be out by the end of this year, before the end of December if it's humanly possible, because—

Mr. Breithaupt: Delivered by Santa from Lambton.

Hon. W. Newman: —I understand the reasoning.

Mr. Riddell: Supplementary: How did the minister arrive at the fact that these calves are selling at four cents a pound more this year than they did last year, when every other sale in the part of the province we represent would indicate that calves are selling as poorly as, if not more poorly than, they did last year?

Hon. W. Newman: Mr. Speaker, that is a very, very good question. I'm glad the member asked it. Because of the organizational work done by my ministry and the people in other parts of the province—

Mr. Conway: Louder, Bill, louder!

Hon. W. Newman: —we have had more uniform sales this year. Eastern Ontario prices were better because at Galetta they formed a community sale and we had better prices there. Also around at the sales we have had some better prices—certainly not what I would like to see, but better throughout the province.

Mr. Conway: Good representation.

Hon. W. Newman: I said I anticipated prices would be around 33 cents. The final figures are still not in.

DRYDEN HOSPITAL

Mr. Foulds: Mr. Speaker, I have a question for the Minister of Health: Is the minister aware that a disallowance of $21,000 expenditure by his ministry to the Dryden hospital is threatening the closure of the eight-bed medical wing in that hospital? Is the ministry willing to reconsider that disallowance, in the light of the fact that the ministry appears to set the population figures served by the Dryden hospital at around 7,000, whereas the hospital serves a much wider population area, extending as far east as Ignace and taking the overflow from Sioux Lookout?

Hon. F. S. Miller: Mr. Speaker, I am fairly familiar with the problems of the Dryden hospital. I have visited it and they have been brought to my attention by the hon. Minister of Natural Resources (Mr. Bernier).

Mr. Reid: And the member for Rainy River.

Hon. F. S. Miller: Is there a member for Rainy River?

Mr. Reid: You wrote me a letter. Don't you read your mail?

Hon. F. S. Miller: I probably sent it to Rainy River. In any case, I think there are a number of problems involved in that hospital's budget, one of them being that they have used certain operating funds for capital purposes. That is one of the things we have to sort out with them. Population doesn't determine the budget of a hospital. The operating costs of the hospital do, on a budget basis, and we are looking at it in that case.

I am also keenly aware that that hospital is very deeply in debt at the bank; to the point, I believe, of a $440,000 overdraft at this point in time; an accumulation of many years, apparently, of overspending.

Mr. Foulds: A supplementary: Is the minister not aware that that debt apparently has arisen only in the last three years? Since it is the only hospital of any size between Kenora and Thunder Bay on Highway 17, wouldn't the minister consider that an argument for maintaining it?

Hon. F. S. Miller: Mr. Speaker, we are going to maintain the hospital but it doesn't mean I should pay more than it should have.

FIRST MINISTERS' CONFERENCE

Mr. Conway: A question of the hon. Premier: Would the Premier share with this House the sum and substance of his communications, I believe this week, with Mr. Levesque, the Premier of Quebec, as to the upcoming First Ministers' Conference?

Hon. Mr. Davis: Mr. Speaker, I have very informally talked to the new Premier of Quebec. I called him the day or the day after he was sworn in as Premier. I had sent him a telegram of congratulations prior to that. I talked to him again this past Monday.

Mr. Reid: In English or French?

Hon. Mr. Davis: En Anglais.

Mr. Breithaupt: Which is that?

Mr. Reid: That sounds like Ukrainian to me.

Hon. Mr. Davis: For the member for Kitchener, in English; I realize he has difficulty with both languages and I want to help him as much as I can.

Really, I would say to the hon. member—and I am not being facetious—that my communications to the new Premier were those of congratulations and best wishes. I very briefly outlined the traditional relationship that has existed between the two governments and our two provinces and I hoped these would continue. He reciprocated those thoughts. I think it is fair to say that there was nothing, shall we say, of great interest for the members of the House, that I can recall, which would be worthwhile sharing at this time.

HYDRO NIAGARA ESCARPMENT LEASE

Hon. Mr. Timbrell: Mr. Speaker, last Thursday the member for Scarborough West made an inquiry regarding the leasing by Ontario Hydro of property held in Collingwood township, and I undertook at that time to provide him with information about this leasing agreement.

The Hydro land was purchased between 1962 and 1968 and is known as the Delphi Point Property. It consists of 934 acres and is located in Collingwood township. It will

not be developed by Hydro for at least 15 years.

Hydro's present leasing policy is to negotiate directly with individuals who express an interest in land which Hydro has no immediate plans to use. This policy applies to all individuals; indeed within the Delphi Point Property there are six parcels of land which are leased to farmers.

Under this same policy, 788 acres had been leased to a company known as Big Apple Farms Limited for a period of 10 years beginning September 1, 1976. The leasing charge is $1,000 per year plus taxes; the rental charge is subject to review at the end of five years at which time Hydro has an opportunity to increase the rent. The taxes for 1976 are estimated at $11,331.

I would like to point out that the present leasing arrangement for agricultural zoning is the same arrangement made with farmers across the province, that is $1 an acre per year plus taxes.

As previously mentioned, the total property is 934 acres. The new lease is for 788 acres; 10 acres had already been leased by Georgian Peaks Ski Club. Big Apple Limited is a subsidiary of Rose Community which is a name used to encompass a major development in the Thornbury-Collingwood township area. The developer purchased the Georgian Peaks Ski Club in November, 1975, and the leasing now of the remainder of the Hydro property was a natural extension of the lease already existing between the Ski Club and Ontario Hydro and was for property adjoining the 192 acres owned by the ski club.

[3:00]

Any rezoning required, or permission to use the land for other than agricultural purposes, to build structures or carry out other development of the land, will be the responsibility of the lessee. This procedure is still to come. The lessee will be required to obtain all the normal permissions from the local authorities or the Niagara Escarpment Commission where appropriate. If these permissions are refused, and the land cannot be used for the intended purposes, Hydro has stated that it will consider an application to cancel the lease.

Contrary to published reports, I have learned that the developer made his plans known to the local authorities as early as November, 1975. When the Georgian Peaks property was purchased last November, the developer met with members of the town of Thornbury council, the Collingwood township council and the Beaver Valley planning authorities in Thornbury on November 8, 1975, and advised them of his plans for the property and the intention to lease the Ontario Hydro land.

Also, the developer attempted to meet with the Niagara Escarpment Commission and was advised that it would be setting a precedent for him to appear before the commission. He was advised to make a presentation to the staff of the Niagara Escarpment Commission at their Georgetown office. Subsequently, the developer met with the chairman of the commission, another commission member and a senior staff member of the Niagara Escarpment Commission on July 28, 1976, and during the two-and-a-half hour meeting he presented a survey of the lands they proposed to lease from Ontario Hydro and outlined the plans for the use of that land.

From the foregoing, it is made clear that it is not correct to say that the lease was made without the knowledge of the local authorities. I have had it confirmed by the chairman of the planning board, the reeve of the township and the chairman of the Niagara Escarpment Commission that those meetings did take place, and that local authorities did have knowledge of the intentions to seek a lease of the property.

Hydro has acted properly in executing a lease which will reduce its costs and still maintain the land for later use by Ontario Hydro for its original purpose.

There will not be any improper use of the land. All of the normal controls on the land continue to exist. The local planning board and Niagara Escarpment Commission may accept or reject any proposed changes according to their normal criteria.

I might add that on Monday the member for Grey (Mr. McKessock) asked me about the land leased from Hydro and its possible use as a marina. I can confirm that this land is landlocked and there is no possibility of any of it being used for a marina. The announcement made by the developer regarding marine facilities referred to other properties he holds in the Thornbury area.

Mr. Reed: Supplementary, Mr. Speaker.

Mr. Speaker: Order please. May I just suggest first of all that a prepared answer of that length should have been given as a ministerial statement, because it took almost five minutes. I'll add three minutes on to the question period.

Mr. Lewis: May I ask a supplementary?

Mr. Speaker: I believe there is a supplementary from the person who asked the question.

Mr. Lewis: I asked the question, Mr. Speaker.

Mr. Speaker: Oh I'm sorry, I thought it was someone else.

Mr. Lewis: Do I take it from the minister's response that at no time did Ontario Hydro seek clarification from Thornbury, Collingwood, Beaver Valley planning board, or the Niagara Escarpment Commission, that this was a developer-initiated consultation and that Ontario Hydro which had the land and had letters from the Beaver Valley planning board saying, "We do not want the land leased for any purpose without consultation," never took it upon itself to deal with the appropriate authorities?

Hon. Mr. Timbrell: First of all, Hydro was aware that the authorities were in fact being made aware of the intentions of the applicant. They deal with every individual, whether they're an individual farmer, or as in this case a corporate concern, in exactly the same way and under the same conditions.

Mr. Reed: Supplementary.

Mr. Speaker: Is it a supplementary, the member for Halton-Burlington?

Mr. Reed: Yes, thank you, Mr. Speaker. Is the minister indicating by his statement that the property known as Delphi Point will be developed after 15 years?

Hon. Mr. Timbrell: No, I said that it would not be developed by Hydro for at least 15 years. There is no guarantee that it will be developed in 15 years.

Mr. Speaker: The member for Grey with a final supplementary.

Mr. McKessock: The taxes being $1,100 and some a year, will the assessment now be changed to coincide with the new proposed land use, so that the municipality will receive more from this land?

Hon. Mr. Timbrell: Let me first of all correct the member's figure. The present taxes are $11,331 per year. I am told that if the lessee is successful in getting the approval from the local authorities and the Niagara Escarpment Commission for what he proposes, then the local municipality would see that figure jump to an excess of $20,000 per year. But as the hon. member knows, there would not be any change in the assessment unless a change in the land use was approved.

Mr. Speaker: The oral question period has expired.

Petitions.

Mr. Breaugh: On a point of order, Mr. Speaker. Could I get some clarification? I notice that when members are asking questions, the Speaker is very careful to see there is no editorial comment thrown in and that the question is—

Mr. Speaker: I try, but there is still a lot.

Mr. Breaugh: Could I ask you how is it that I watched three ministers today editorialize at length and yet I did not hear the Speaker interject once? Would you explain that rule to me just a little more carefully?

Mr. Lewis: A rule for the weak and a rule for the strong.

Mr. Speaker: That's not really a point of order; but we advise all people to keep the editorial comment to a minimum on all sides of the House, please, because it is not appropriately a part of the question period.

Interjections.

Mr. Lewis: It seems to us that the mighty are inheriting the earth.

Mr. Breithaupt: By the time we get it, it won't be worth getting.

Mr. Speaker: Presenting reports.

REPORTS

Mr. McNeil from the standing resources development committee reported the following resolutions:

Resolved: That supply in the following amounts to defray the expenses of the Ministry of Industry and Tourism be granted to Her Majesty for the fiscal year ending March 31, 1977:

Ministry of Industry and Tourism

Ministry central office programme	$ 755,000
Industry development programme	6,544,000
Trade development programme	2,394,000
Tourism development programme	10,116,000
Operations programme	6,909,000
Communications programme	811,000

Administration programme	$ 1,548,000
Ontario Place Corporation programme	3,192,000
Industrial incentives and development programme	30,377,000

Resolved: That supply in the following amounts to defray the expenses of the Ministry of the Environment be granted to Her Majesty for the fiscal year ending March 31, 1977:

Ministry of the Environment

Ministry support services programme	$ 5,895,000
Environmental assessment and planning programme	14,742,000
Environmental control programme	206,085,000
Resource recovery programme	13,546,000

Resolved: That supply in the following supplementary amount to defray the expenses of the Ministry of the Environment be granted to Her Majesty for the fiscal year ending March 31, 1977:

Ministry of the Environment

Environmental control programme	$ 6,363,000

Hon. Mr. Wells presented the annual report of the Teachers' Superannuation Commission.

Hon. Mr. McMurtry presented the seventh annual report of the Criminal Injuries Compensation Board.

SELECT COMMITTEE ON HIGHWAY SAFETY

Mr. Young presented an interim report from the select committee on highway safety.

Mr. Young: Mr. Speaker, this report is an interim report of the select committee on highway safety, which was appointed by this Legislature because of a growing concern on the part of the members of this assembly, as well as on the part of the people of the province of Ontario. The problem we were facing at that time was—and we are still facing it—that on the highways of this province we are now killing about 1,800 people per year and injuring and maiming 100,000 people per year. The total cost of this mayhem, depending on how much we value a human life—even at $50,000—runs to about $500 million per year.

When the committee was set up, we had no expertise in this field. The committee itself and the staff which was set up to serve that committee were not experts. None of us, I think, had the kind of knowledge which is necessary for a final report. Over the period of the first few months we have been gaining that experience. We have been finding out that this field is far vaster and has far more ramifications than I think any of us realized—far greater even than I realized, and I have been in the field and thinking seriously about it for a good many years. The result has been that the first few months have been sort of taken up with learning and gaining experience.

We have found out, for example, that there is no simple solution to the whole problem. There are no single solutions to the whole problem. Even though we have heard all kinds of solutions mentioned I don't think anyone would claim that one solution applied to this problem would solve it. Of course, even the experts who came before us disagreed and in the face of that, Mr. Speaker, you can understand the problem we are facing.

However, the committee was set up for the purpose of reducing the tragic and costly burden caused by the motor vehicle accidents in this province. We looked at the work in, perhaps, two phases. The first included going out in the province, listening to people and finding out what solutions the people of Ontario had to offer. We found this is a tremendous concern for Ontario.

Twenty advertised public meetings were held, seeking the views of the public. We held them in 15 centres around the province and the report gives the location of these. As well, the committee advertised for and received submissions from individuals containing over 300 recommendations which the committee is now in the process of sifting through.

In addition to hearing from the general public, the committee sought out the views of police and various professional and private interest groups. Forty professional and private groups did appear and their names are listed in our report.

In addition to this, we took a two-week trip to examine the highway safety systems of three foreign jurisdictions. We found that in Sweden they have a death rate of 1,000 per year whereas Ontario's is 1,800. We wanted to know why. In Britain, they have

50 deaths per 100,000 registered vehicles whereas Ontario has 65; and we wanted to know why. In Holland they are just beginning, as Ontario is, a very serious study of this whole problem and are attacking it with massive applications of research projects and very large staffs in those projects. We wanted to look at those, particularly the moped situation. They have hundreds of thousands of them and we wanted to see that and see what they are doing in that regard.

After looking at the situations in these countries, we sat down to evaluate what we had seen and what we had learned. We came to certain conclusions and the committee is now prepared to make certain recommendations—not too many, because we felt we still needed much more study in certain specific fields.

We have four recommendations to make. When I mention these recommendations I must say that throughout the work of this committee, so far, we have had very cordial relationships with the ministry. At the very beginning we asked them to come in, to assess in their view what the big problems were and why. The minister made available to us Mr. Harvey Mosher, who travelled with us and met with us on a regular basis. His work, might I inform the minister, has been extremely valuable and he has done an extremely good and effective job with us.

In addition to that, we have kept in very close touch with the minister and as soon as the committee had come to certain conclusions, because of the urgency of the matter, we communicated to the minister what our findings were. The minister again has co-operated with us and we with him so that already some of these recommendations which we have made have been translated into actuality. We appreciate that and we appreciate the co-operation we have had from the minister and from his staff.

Those recommendations are as follows—they are outlined a couple of times in our report:

[3:15]

That the Ontario government, without further delay, make the wearing of an approved motorcycle helmet compulsory for all moped riders. We felt, after investigation, that this was important and urgent; and the minister, as you know, has already acted on this recommendation.

That the government of Ontario take responsibility for the preparation and distribution of a free document outlining the laws relating to impaired driving. Such a document should be ready for distribution to all motorists renewing vehicle licence plates for 1977.

I think very few people in Ontario, and certainly the members and staff of the committee, had not realized the full extent of our laws, which are about as severe and far reaching as any laws in any jurisdiction. We appreciated that fact, but we felt that the people of Ontario ought to be apprised of that; and so we made this recommendation and again forwarded it to the ministry, and already that process is going forward. I understand that those documents will be available for distribution at the time suggested.

The next one: That the Ministry of Transportation and Communications begin the implementation of a system of classified drivers' licences in the next calendar year. Again, work on this had already been begun by the ministry and was well advanced when the committee was doing its work. Across the province we heard literally scores of representations that this kind of classification of drivers' licences was essential and urgent. We have made that recommenation; working together, the ministry at the same time, I think, has implemented it and it goes into effect the first of the year.

The next recommendation: That the government of Ontario draft for early presentation to the Legislature appropriate legislation to impose a penalty against any person who leaves keys in the ignition lock of an unattended motor vehicle.

We realize there may be some problems here, but we also realize that many of the thefts—a very large proportion of the thefts that take place—take place easily because keys are left in the ignition lock. Very often, and we've seen instances of this in the recent past, young people have stolen a car and the resulting high-speed chase has culminated in death. So we feel this is an urgent matter which is now in the hands of the ministry.

There is one further note I would like to insert here. The announcement this afternoon by the Minister of Consumer and Commercial Relations was a very welcome one, pointing out that certain parts of the insurance industry are going to use more humane methods in dealing with young drivers. This committee received a great many representations in this regard. We have not yet made recommendation because we feel we must study it further, but I think the chairman of the select committee on company law has a

strong feeling about this and the announcemetn this afternoon is not unrelated to the work which his committee and our committee have been doing.

Certainly, when the Insurance Bureau of Canada met with us and with his committee, we made our feelings known in no uncertain terms, that the harsh treatment of young drivers by the industry was uncalled for, it was not solving the problem and something different, certainly, was demanded.

So I say again that the announcement this afternoon, and I hope subsequent action in this field, is not unrelated to the work which our committees have been doing, as well as the treatment in several other jurisdictions in Canada afforded to the younger driver.

The winter programme, the second phase of the programme of this committee, is already underway. Having established the basis and established what the parameters of the problems are, we are now ready to move into specific investigations of specific problems. As a matter of fact yesterday and on the next couple of Wednesdays we'll be meeting with, again, the Ministry of Transportation and Communications staff, to see exactly, with the experience we have behind us, what is now being done by the ministry and what their hopes are in this whole field. I might say that yesterday's meeting was extremely productive and we are looking forward to the next meeting.

Starting on January 3, this committee is meeting three to four days a week until the House meets, or until we can get our final report ready. It's going to be a rather brutal sort of itinerary, but we feel the urgency of the situation demands that. We are moving into certain specific areas. I want to outline those.

They are eight and they encompass all the problems which have been brought before us, both by the terms of reference and by the people who have spoken to us. To summarize them very briefly they are: driver instruction, testing and licensing of drivers, drinking driving, enforcement of the legislation—present and, we hope, future—automobile standards and maintenance, commercial vehicle standards and maintenance, the road environment and administration.

Particularly, there is the whole field of research, which other countries are carrying forward and which perhaps we in Canada have not undertaken too seriously yet, but which we hope will be undertaken in the near future with some degree of comprehension and with at least a fairly large degree of funding by the federal government, and by the provincial governments where called for.

What we will be doing as we study these problems is to call in experts in the field from Canada and from outside our jurisdiction. We will be making certain field trips where we feel that is necessary to see what is happening in the field. We are looking forward to an extremely productive and very profitable time. I think we must face the fact—and I emphasize it again—that even experts in the field disagree. That's why perhaps we have been a little slower than we had thought at first in coming to our ultimate conclusion.

Let me quote a couple of sections from the report: "It is therefore clear that the committee cannot expect to be guided by the absolute consensus of the experts. Experts will disagree on the most appropriate actions. In the absence of an expert consensus, the committee will exercise its best judgment as representatives of the public to choose the actions and the combinations of actions that it believes will improve the safety of our highways. Deciding that a particular action is likely to produce improvement in highway safety will not be enough. This first stage of decision-making also requires some judgement about whether the overall benefits justify the cost. This will be a difficult judgement to make because in highway safety benefits and costs are not quantifiable on a uniform basis. Sometimes we see a great social benefit and at the same time the cost in money may outweigh that social benefit. At other times the very large money costs may be outweighed by perceived social benefits."

Just before closing, I want to pay tribute to the staff of this committee, which has worked long and tirelessly so far and will be continuing to do so as we drive them as a committee in this process. They are our counsel, Mr. Alan Schwartz; our consultant, Mr. James Fisher; our research co-ordinator, Arna Crocker; and the clerk of the committee, Andrew Richardson. I've already mentioned Mr. Mosher and his part in the committee. We pay tribute to their job and to their achievement and to the work which they have done.

Finally, let me quote again the final paragraph of our introduction: "There is in Ontario today a mandate for government action to make our highways safer. Ontario can be a world leader. The committee has set for itself the very ambitious task of coming up with a comprehensive approach to realize that objective."

In the first chapter we say: "Three central impressions emerged from this initial phase

of the hearings. First, and perhaps the most important, is a deep and universally expressed concern about the carnage on the highways.

"The second is a willingness to try, shared by the vast majority of people both here and in Europe. Although well aware that there are no absolute solutions for highway safety probelms, almost everyone appearing before the committee expressed a willingness to support initiatives which might make an improvement.

"And third, most people share an optimism about the possibilities and are prepared for innovations and government leadership."

As chairman of the committee, let me say a word of appreciation to the members of the committee who have worked hard this far and will continue to do so, to the ministry, to our staff and the Legislature in this massive undertaking. Thank you very much.

Mr. Nixon: I want to mention two or three points briefly. Perhaps the minister is prepared to respond to some of the recommendations in the report before we go on to another item.

I do feel, however, to be fair to my colleagues in the committee, that I should say one or two things about the conduct of the committee itself.

As you know, Mr. Speaker, the committee did travel to Europe and the chairman has indicated from his point of view how valuable he felt the trip was and how important was the information that was gathered. I think you're aware, sir, that as one member of the committee I did not feel that trip should have occurred.

This is not because I'm unwilling to make these trips nor is it that do I not realize how important they can be. I feel—and I think this is something which should concern all of us, whether we're on select committee or not—that there should be perhaps a more careful approach to the authorization of select committee trips and other trips by members of this Legislature at public expense. We can always bring forward justification for any group of people to go almost anywhere in the world to gather information which may or may not be available.

I do believe, with the budgetary circumstances which face us and for a wide range of reasons, we must be careful when these trips are approved by committees or any other group that there is a clear and valuable return for the expenditure of these funds. I raised it in the committee at the time and I raise it now. I am as vulnerable as anyone else to accusations of hypocrisy and I suppose I am guilty of those accusations.

I simply put it that we're going to have to be careful that our house is set carefully in order when it comes to the expenditure of these funds.

There is another specific point I want to make. Among the things my colleagues found in this tour—I was not with them but it was an interesting piece of information—was that at least two of the jurisdictions, Sweden and the United Kingdom, reduced their highway speed limits at the time of the energy crisis. Since that time the speed limits have been put back to where they were before; or, in the case of Sweden I am told, they were put back on a modified basis with a different approach to speed limits depending upon the region in which the highways were. We were much later in reducing our speed limits here but in travelling with the committee, I have been struck by one or two important points.

The first one is that while the police forces all strongly approved of the reduction in the speed limit almost without exception they indicated they must have more money for enforcement. I think particularly of the OPP inspector of the sergeant at Barrie who indicated clearly that he felt there should be a reduction in the speed limits on Highway 400. He also indicated they needed more black and white cars; they needed more radar; they needed more money for aerial surveillance. He indicated that tough enforcement was the answer. Frankly, I have my doubts about that because I'm not at all convinced that the reduction of the speed limit was as useful as many people had hoped it would be.

There is a general feeling in the community that it is sort of a motherhood thing, that it is a good thing the speed limit is reduced because fewer accidents are occurring and the severity of the accidents is decreased. That may or may not be so. Really, the indications are very difficult to determine. I suppose if we were to reduce the speed limit to 30 that would be even better, but we are finding the community is not responding to the reduced speed limits in the way that perhaps we had hoped.

[3:30]

I want to quote from a speech the minister made in a hearing on motor vehicle occupant crash protection in Washington, DC, on Tuesday, August 3, 1976. I quote from the script that the minister provided and I talked to him personally about this because

he indicated he did not say what the script says he said. The point is that it was prepared by people in the department going on the information that was supposedly available to them. I believe in this province we are proud of the fact the seat-belt legislation and the reduction in speed limits have, by their combination, reduced accidents and the severity of accidents. We're proud of that and we believe that this is an important step forward that should be copied by other jurisdictions. It is difficult to determine whether the speed limits have been as efficacious in that regard as some people would hope.

In quoting from the minister's speech, he had gone on at some length, and very properly, indicating the problems in imposing a mandatory seat-belt law and then indicating the statistical and very favourable results of it. I quote from page seven of his speech: "We also lowered our speed limits in January. However, there has been no significant drop in operating speeds."

I'm sure he will want to indicate what he intended to say and what he actually did say, but this is from the script that was provided publicly and provided to the members of the committee on highway safety. My feeling is this, surely it was well accepted by editorialists in the community at large that we reduced the speed limits, but the findings of most people is—certainly from the minister's speech—that the actual speeds travelled have not been reduced significantly. There are those who say if the speed limit were retained at 70 for controlled access highways the cars will still be going probably eight to nine miles over the speed limit, but I'm not at all sure that that was our finding when the speed limit was set at 70.

If there were significant savings of energy, particularly petroleum, then obviously this is a matter we should continue, perhaps with much stronger enforcement than we have now, but the minister in his statement said there is no significant reduction. All we are giving the police is an almost impossible enforcement problem. We in this House have approved a reduction in the speed limit which the people do not feel is legitimate. They want to save fuel but, on controlled access highways particularly, it may in fact increase the menace in some instances rather than decrease it.

I simply felt, although the members of the committee don't agree with my feelings in this regard, that at the interim-report stage I should bring it to the attention of the House and the minister and also give him an opportunity if he wants to correct the misapprehension that is in the community, or at least in a number of people in it, as a result of his statement in Washington, and that this would certainly be a good time to do it.

We did not discuss in detail the possibility of a recommendation having to do with speed limits. I sense that not everybody on the committee agrees with my contention in this regard. As a matter of fact, far from it. An indication of how far from it is the fact that they went to Sweden and the UK, where they did reduce the speed limit and then put it back up again, and while there has been considerable talk of the recommendations from those areas, this one has not surfaced in any significant way.

I wanted to bring this to the attention of the members of the House in this interim report. We will no doubt continue our investigations and examinations in this important field and I'll look forward to talking about this and other matters more fully when the final report is before you, sir.

Mr. Kennedy: Mr. Speaker, I would like to add a comment if I could. I would have to say, in response to the member for Brant-Oxford-Norfolk in his opening comments about the need for select committees to practise restraint, I want to assure the House there wasn't a member on that committee, or for that matter on any other, who doesn't agree with the need for restraint.

However, this committee was set up with the express purpose, according to the terms of reference, to look into the incidence of traffic accidents, the carnage of no less than about 1,800 killed each year, some 70,000, 80,000 or 90,000 injured, and we were charged with the responsibility of trying to bring in some recommendations which would reduce this. When you take the cost of the toll and match that against the committee going where it feels it's necessary to go to obtain evidence and information, I think it's one of the better investments the people of Ontario have made. The trip was well worth while and it will be reflected not only in this interim report but in the final report as well.

Some of the recommendations have been touched on and I've got to say I don't share the opinion that there is no benefit in reducing the speed limit. It's my impression from observation that over the months since that was announced there has been a gradual reduction of accidents. I feel this from travelling on some of our major highways and I can't agree with the member on that point. I think it is showing up in the reduction in the number of accidents. The other thing, of course, is the use of seatbelts, which has

reduced the carnage on the highways, the personal injuries and fatalities.

Two of the major things this committee must come to grips with and this point is most frustrating—are the drinking driver and the impaired driver. We will be going on in our future discussions and activities in trying to come to grips with this and to bring forward some very positive recommendations which will add to the safety features of our highways. We just don't see now that the carnage and mortality from accidents can be totally reduced, but perhaps we can do something that will diminish this and turn it around and start it on the decline. When all these things are put together, this could very well happen and any investments, therefore, that the people of Ontario have in this committee are insignificant in comparison to the cost of medical treatment, legal actions, the results of fatalities and the attendant grief and costs that are associated with such incidents.

So I bring that forward to the members of the Legislature.

Mr. Ferrier: I would like to comment on the tabling of this report. Our community was very seriously saddened on the weekend, on Sunday night, for there was a car accident in which eight people were killed. We don't know all the reasons for it yet, but we will be trying to find out from the ministry in due course.

When an accident of that magnitude happens in a community, it brings home to us the need for more adequate safety measures to try to cope with the dangers that lurk on our highways. I think the members of this committee have taken their responsibility seriously in trying to become acquainted with the subject, a subject which has many facets and a subject on which the experts do not always agree.

The two things that the experts have agreed are the most effective measures of dealing with highway safety are the compulsory use of seatbelts and the reduction of speed limits. I'm quite surprised at the member for Brant-Oxford-Norfolk wanting to keep a higher speed limit, when that's one subject—the lowering of the speed limits as a safety measure—that the experts agree on, the experts that we talked to.

I think we have an important piece of work to finish in the next two and a half or three months and I anticipate a lot of hard work and a lot of hard study going into that, hopefully to come up with a report that does put forward a number of very useful recommendations so that the minister and his staff will be able to incorporate them. I am quite confident that the minister is much in earnest about this subject and he will do something to follow up the recommendations that will be in that final report.

I do not want to leave unchallenged the statement by the member for Brant-Oxford-Norfolk where he takes a shot at the committee for going overseas to other jurisdictions to investigate highway safety there. He has a very cynical view apparently of the work of members of this Legislature and of committees by suggesting that people are only wanting to go on those kinds of trips as a fun trip and not really in earnest to try to carry out the responsibilities that are given to them.

Mr. Nixon: On a point of order, Mr. Speaker, in case my hon. friend is indicating in any way that I either suggested or even felt for a moment that he or my other colleague went just because it was a fun trip, let me completely disabuse him of that. I simply indicated that I felt the trip was unnecessary and the information it yielded could have been obtained with a 10-cent postage stamp.

Mr. Bain: That's not a point of order.

Mr. Nixon: I am sure they worked very hard. Indeed, as a matter of fact, I am convinced of it.

Mr. Ferrier: He's had his chance to spout off and I would just like to make a few comments in rejoinder. I think the matter of select committees in this Legislature has been tightened up in that all expenditures must be approved by the Board of Internal Economy. The chairman did submit this budget to the Board of Internal Economy and did point out that he felt it was necessary for this trip to take place to do the kind of job that needed to be done in these areas. Some of us might suggest the member for Brant-Oxford-Norfolk was negligent in his duty in not going in that he did not seem to be sufficiently concerned about the matter to go to see what others were doing and studying—

Mr. Nixon: What about the two members of your caucus who did not go to Europe? Do you think they were negligent?

Mr. Ferrier: —and to talk with the people who were making the decisions and had done the research and were effecting the countermeasures to take place in Europe. When you are poking a finger of accusation at fellow members of your committee, I would suggest

there is also another side. Maybe there is one finger pointing back in your direction.

Mr. Mackenzie: It would appear that members have been allowed to say a word or two and I want to say just a word or two on this particular report.

Hon. Mr. Snow: Mr. Speaker, I wish perhaps to respond for a moment to the remarks that have been made, but is this the appropriate time to debate this report?

Mr. Speaker: A person can make comments on the report. It has been customary to do that on the prelude.

Hon. Mr. Snow: I understand it is customary for the chairman of the committee to make comments on the handing down of the report.

Mr. Speaker: Other members have made comments on reports as well.

Hon. Mr. Snow: Okay.

Mr. Speaker: The hon. minister may too, but perhaps he might wish to be the final speaker on it.

Mr. Young: On a point of order, Mr. Speaker, if I might just indicate to you that my intention as chairman of the committee was to make a brief statement. Perhaps it wasn't as brief as it might have been. It was not in my knowledge that there was to be any debate on the subject today. I just want that cleared for the record.

Mr. Speaker: I understand other members felt constrained to make some comment.

Mr. Mackenzie: Mr. Speaker, my understanding was that the chairman would give a brief report on the report and that we would be at some later date debating it. Inasmuch as the hon. member for Brant-Oxford-Norfolk decided he was going to make those statements that he did and the others have been allowed to speak, then I think there is a right, even an obligation, on members of that committee to let their feelings be known. Mine will be very brief.

[3:45]

I happen to think that was a good committee. I also happen to think they put an awful lot of time and effort in. If I was making a recommendation, or was in a position to make it for another committee that was taking a look at things, whether they're in Europe or any other parts outside of Canada, I would say you don't give them such a rushed schedule, that there's so much you can absorb, and certainly the time and effort was put in by the committee.

But I would also say to the member for Brant-Oxford-Norfolk that when he talks about members in the past having practised a little bit of hypocrisy, I think there's some hypocrisy and a dereliction of duty when a committee does make a decision that this is what it wishes to look at and what it wishes to do and he doesn't want to take part in that trip for his own reasons. I'm simply saying that were I in that position, and I want to make it clear, I would have stepped down from that committee, and if he had any guts he would have done the same thing.

Some hon. members: Oh, oh.

Mr. Speaker: Order, please. Could we keep the comments on the report?

Mr. Nixon: On a point of order, Mr. Speaker. At no time was the matter put before the committee for discussion or a vote.

Mr. Mackenzie: Oh, come on. For Christ's sake.

Mr. B. Newman: I wasn't on the committee, but I do—

Interjection.

Mr. Speaker: Just one moment, please. Did the hon. member for Yorkview wish to comment on the last remark?

Mr. Young: Mr. Speaker, the committee did discuss this on several occasions; it did vote its concurrence in this programme.

Mr. Nixon: On a point of order—

Mr. Bain: You weren't even there. If you had attended more, you would have known what went on.

Mr. Nixon: I must object to the hon. chairman's statement. I don't recall a resolution or a vote of the committee; it was simply decided that the committee would go.

Mr. Mackenzie: You were never there.

Mr. Speaker: The Speaker cannot judge on that. Any further comments on the report?

Mr. B. Newman: I wasn't on the committee, but I would like to make a few comments concerning the report—

Mr. Speaker: Order, please. I think the hon. member is stretching the matter just a bit too far when he's not even a member of the committee. It's appropriate for the

members of the committee who served on it to make whatever comment they wish; this has been a courtesy in the past. But I think to make it a general debate, this is the wrong time. Since the member was not on the committee, I think he should not speak at this time. Thank you.

Mr. B. Newman: I will accept your suggestion, Mr. Speaker. I will tell my colleagues to the left something concerning the previous committee on the use of schools and the attitude they took towards it at that time.

Mr. Deans: Oh, sit down.

Mr. Speaker: Does the hon. minister wish to make a comment in winding this up?

Hon. Mr. Snow: Mr. Speaker, I was not a member of the committee; maybe it's not appropriate for me to speak.

First of all, I would like to thank the chairman and the members of the committee for the very fine job they have carried out on behalf of highway safety. I know they are all very interested in the work they are doing. I appreciated very much getting an advance copy, which the chairman sent me and I received about a half an hour before I came to the House this afternoon. I've had a chance to review the interim report, and I'd like to compliment the committee in the way that the committee has worked with myself and with my officials in the past few months.

Regarding the recommendations of the committee, as the hon. members know, recommendation number one, asking for an extension for the date of the final report, must be dealt with by the House. I personally feel this is necessary and would certainly be in favour of it, although perhaps during the period of the continued studies we can continue to have the same type of liaison we have had so that we won't necessarily have to wait until after April 30 to get any further recommendations.

On recommendation number two, relating to moped helmets, we received an interim recommendation from the committee. I have acted on that recommendation and the regulation has been passed.

As for the third recommendation, relating to making literature available to motorists to make them aware of the consequences of drinking and driving as far as the law is concerned, I think that is excellent. My staff have already prepared a brochure and I understand it is at the printers and will be ready within a matter of days.

Mr. Roy: Don't forget to put your name on it.

Hon. Mr. Snow: And picture too; colour picture.

Mr. Warner: Not of your head.

Hon. Mr. Snow: Recommendation No. 4, relating to the classified driver's licence, of course, is one that the ministry has been working on for some period of time and that has already been announced.

The fifth recommendation is one we have given some study to. I want to say I thank the committee for their recommendation and we will certainly look further into that matter.

There are some very important matters for the committee to study and I appreciate the fact that they will need more time. There are matters relating to the licensing of driving schools, driver examinations and vehicle inspections. Many of these things are going to take more time.

I would like to respond also to the hon. member for Brant, Haldimand, Oxford or whatever it is—

Mr. Stokes: From BON.

Hon. Mr. Snow: Brant-Oxford-Norfolk, I guess.

Mr. Nixon: That's right.

Hon. Mr. Snow: Yes. The hon. member did draw to my attention this particular comment which was included in the prepared text for my speech in Washington. Unfortunately that's the problem with having prepared texts. What was being distributed here in Toronto at the time I was making my remarks in Washington was not quite the same because I did alter it slightly. I don't have a transcript of what I did say in Washington so therefore I can't tell you exactly what I said. The finding is that the speed limit was lowered and I think the average travelling speed of vehicles on our highways today is definitely lower than it was before the speed limit was lowered.

Mr. Good: No way.

Hon. Mr. Snow: I do believe however that the number of people driving above the new lower speed limit is probably a higher percentage than it was before the speed limits were lowered. There are more people breaking the law in other words. I think this is our finding. There are more people breaking the law today than there were before the speed limits were lowered. That doesn't say that the speed limit being lowered has not lowered

the average driving speed because I think it has. That is the point I was trying to get across, probably very poorly, in that speech in Washington.

Mr. Nixon: You said there was no significant drop in operating speeds.

Hon. Mr. Snow: I realize, as I stated, that that was in the text. I made alterations to that text in the copy I had while I was—

Mr. Reid: We believe the text.

Hon. Mr. Snow: —travelling between here and the capital of the United States.

Interjection.

Hon. Mr. Snow: Again, as I say, I thank the committee for their work and for their co-operation and I assure members of my continued co-operation and that of my staff with the committee as they carry on their work in the months ahead.

Mr. Speaker: Motions.

MOTIONS

Hon. Mr. Auld moved that the standing committeees of the House be authorized to sit concurrently with the House for the consideration of legislation now referred to them.

Motion agreed to.

Hon. Mr. Auld moved that the meetings of the standing committees when considering Bills 131, 139, 140 and 141 be recorded on tape for reference.

Hon. Mr. Welch: Would you add Bill 85 please, Mr. Speaker?

Mr. Speaker: And Bill 85.

Mr. B. Newman: Recorded but not printed.

Motion agreed to.

Hon. Mr. Auld moved that on receipt of a written application by Mr. Martel to the Clerk of the House, Mr. Martel be substituted for Mr. Makarchuk on the select committee considering the fourth and fifth reports of the Ontario Commission on the Legislature.

Mr. Deans: Just a brief word to express our thanks for having made that motion. Mr. Martel, as you know, has been incapacitated for some period of time but expects to be back on the job here in the Legislature some time after Christmas. Unfortunately the House wouldn't be sitting in order to substitute him and I appreciate the content of the motion.

Motion agreed to.

Mr. Speaker: Introduction of bills.

LABOUR RELATIONS AMENDMENT ACT

Hon. Mr. Rhodes, on behalf of Hon. B. Stephenson, moved first reading of Bill 176, An Act to amend The Labour Relations Act.

Motion agreed to.

DEVELOPMENT CORPORATIONS AMENDMENT ACT

Mr. Mackenzie moved first reading of Bill 177, An Act to amend The Development Corporations Act, 1973.

Motion agreed to.

Mr. Mackenzie: The Development Corporations Amendment Act provides that where financial support is given under The Development Act, 1973, to a person for purposes of relocating an industrial undertaking that person shall give his employees the option to continue employment at the relocated industrial site and pay the relocation costs of those employees choosing to relocate.

WORKMEN'S COMPENSATION AMENDMENT ACT

Mr. Bain moved first reading of Bill 178, An Act to amend The Workmen's Compensation Act.

Motion agreed to.

Mr. Bain: This bill would make three basic changes in The Workmen's Compensation Act:

First, it would give an injured worker establishing a claim, or anyone that that injured worker chooses, access to his complete Workmen's Compensation file.

Secondly, this bill removes the requirement that an industrial disease be disabling, or be the cause of death before compensation is payable. Under this bill the occurrence of an industrial disease would entitle a worker to compensation.

Thirdly, this bill would automatically transfer a compensation pension upon the death of the injured worker to his dependants, regardless of the percentage disability

of the pension and regardless of the cause of death.

[4:00]

SOCIAL REFERRAL SERVICES ACT

Mr. Cunningham moved first reading of Bill 179, An Act respecting Social Referral Services.

Motion agreed to.

Mr. Cunningham: Mr. Speaker, this bill deals with social referral survices, providing for the inclusion of standard terms as to vendor's duty, cancellation and the confidentiality and returning of personal information in social contracts and the limiting of their costs and duration.

WORKMEN'S COMPENSATION AMENDMENT ACT

Mr. di Santo moved first reading of Bill 180, An Act to amend the Workmen's Compensation Act.

Motion agreed to.

Mr. di Santo: Mr. Speaker, the bill requires that employers with 20 or more employees hire injured workers with permanent partial disability.

PENSION BENEFITS AMENDMENT ACT

Mr. di Santo moved first reading of Bill 181, An Act to amend the Pension Benefits Act.

Motion agreed to.

Mr. di Santo: Mr. Speaker, the bill permits the employees to accumulate pension benefits while unemployed due to disablement.

Mr. Speaker: Orders of the day.

SUPPLEMENTARY ESTIMATES, MINISTRY OF HOUSING

House in committee of supply.

On vote 2002, community planning programme; item 5, community renewal:

Mr. Chairman: Does the hon. minister have an opening statement?

Hon. Mr. Rhodes: Yes, Mr. Chairman. Very briefly, the ministry's request for additional funds amounts to $1.5 million, and is to be utilized as transfer payments under the Ontario Home Renewal Programme.

The Ontario Home Renewal Programme has been put into full implementation this fiscal year and the demand for funds by municipalities has exceeded the anticipated rate of participation. It is now anticipated that 280 municipalities will apply for funds, which is an upward revision from our original estimate of 264 for this fiscal year. With these additional funds, it is anticipated that 546 more units will be rehabilitated, adjusting the 1976-77 target from 4,758 to 5,304.

Mr. Cassidy: On item 2002, I think the minister will agree to slight latitude, and I hope that you, Mr. Chairman, will as well. I don't want to make a long speech, but this might be the opportunity for a few brief questions to the minister about matters which relate to his estimates, but which—

Mr. Chairman: You will confine your remarks to the Ontario Home Renewal Programme.

Mr. Cassidy: As I say, I am asking for a certain amount of latitude given the fact that I do not intend to take up a great amount of time of the Legislature. If I was to take a great amount of time, I am sure you as a good chairman would squelch me firmly as you have done so many times in the past.

Mr. Chairman: We have to be consistent in our rulings from the chair. It was ruled yesterday by another chairman that you would stick expressly to the amounts and to the topics being discussed here. In the interest of consistency we'll insist on that today.

Mr. Cassidy: My comments about the Home Renewal Programme in itself are limited. We welcome the success of the programme. Our feeling has been that this is an area in which the province was right to move when it moved two years ago. It was right, I might say, to adopt the lines which were sketched for it by the NDP when we began to suggest that kind of movement long before this minister became Minister of Housing.

If anything, I would judge from the kind of reaction there has been to OHRP in various parts of the province, that this is one of those cases in which we can say to the government, "You're doing okay but this is a very limited programme in view of the degree of need that exists out there."

As the minister is well aware there are well over two million housing units in the province of Ontario and this extension, which will be made possible by means of this particular supplementary estimates means that only an infinitesimal proportion of the housing units in the province will actually be covered. I think it's something like about one-half of one per cent of the housing units in the province become possibly eligible for rehabilitation. You have to bear in mind, in addition to that, that this is not necessarily complete rehabilitation and there is a backlog of homes needing to be fixed up because the programme is only a couple of years old.

At the rate the ministry is going, Ontario would be involved with rehabilitation of each particular unit of the housing stock of the province on average once every 200 years. I'm not sure whether the rehabilitation which is being financed by this particular extension will last for 200 years or whether in another 15 or 20 years there mightn't be need to have another go at some of the homes which are qualifying for these grants at this time.

As long as this programme remains as limited as it is right now, the question of whether or not the income band to which it is directed should be widened is probably academic. In other words, there's enough demand right now for OHRP funds that you don't really need to look at people who earn $13,500 or $15,500 and who might wish to qualify for the loan part, say, of OHRP funds.

I think the minister might clarify whether it is the intention of the ministry to change those income bands from time to time, bearing in mind that since the family incomes in the province have changed substantially and bearing in mind that what we now have is a programme which is directed to an extraordinarily small number of people in the larger cities. They have to be able to own their own homes, for the most part, in order to qualify. .They have to have an income which, I believe, is still to be less than a family income of $12,500 per year.

Anybody on that kind of an income simply can't afford to buy a house at today's prices. The only kind of housing available to them, if at all, is under the federal assisted home ownership programme and that would be for new housing—pretty much by definition new housing isn't eligible for OHRP.

Therefore, what you are directing these funds to is a diminishing number of lower-income families who bought their homes several years ago and who live in the older parts of our cities. In towns and villages, I appreciate there would be a broader number of people because incomes there are not so great. Everywhere you go, I am sure there's a significant number of senior citizens who become eligible for OHRP funds.

OHRP now, I would suggest, does nothing at all to help in situations where people of modest incomes acquire housing and then seek help in order to fix it up, both because the housing isn't there because the prices are too high or because the income they need in order to buy in at today's prices and mortgage rates simply means that they couldn't qualify.

I have to tell the minister as well that while the administration of the OHRP funds in general isn't working too badly, there has come to my attention instances of fairly serious delays. I know those delays are a matter of municipal administration, but municipal administration is also a reflection of the red tape which is built into the programme by the province.

If OHRP is to be successful it seems to me it should be able to provide modest amounts for modest rehabilitation and repairs and not just major amounts for major rehabilitation and repairs. It can be that in certain cases people living in older homes would prefer to take a couple of thousand dollars, half as grant and half as loan, in order to seal up the windows and doors and do some other essential improvements than commit themselves to a very heavy loan and grant, even though that might be accessible to them.

However, the administration costs of these more modest grants are heavy. In the borough of York, which is one instance where I've been active in trying to get a resolution of problems in the last week or so, they had got to the point where they had about 75 applications for OHRP that were backed up in some cases as long as six or eight months. The difficulty there was that the municipality was running into delays because of the need to search titles on each and every one of these particular applications.

The searching of titles wasn't just the searching of title back to point of purchase of the property or to the point where the last title search was carried out. It was search of title back to the Ark—back to the beginning. That was, therefore a time-consuming and costly process. It seems to me that in cases where the obligation being assumed was maybe $2,000 or $3,000 or $4,000 some less time-consuming programme might have been picked out by the ministry.

I see the chairman is looking at me very intently. I know he will agree that I have kept on the subject meticulously. I have to tell him that I've taken about five or seven minutes longer than I intended to take with all of my questions, only I was driven into it by the chairman.

Mr. Chairman: I'll accept your thanks for that.

Mr. Cassidy: Okay. Perhaps I could just try to put this into perspective, Mr. Chairman. The most recent figures from Ontario Finances indicate the overall expenditures for the Ministry of Housing under the estimates are to go up from the estimated $171 million which we had at the beginning of this year to an estimate of $173 million, an increase of $2 million. In rounded terms, that may represent the $1.5 million that we have right here. On the other hand, the ministry seems to be shortfalling by $25 million on the Ontario Mortgage Corporation and by $9 million on the Ontario Housing Corporation. Since those funds could generate 10 times that amount of construction, that shortfall seems to be very serious in view of the great difficulties that are allegedly occurring with the shortage of rental accommodations and which have been adverted to on a number of occasions by members of the Conservative Party.

I think that overall picture might be touched on by the minister because that's something which is concerning people greatly.

I think too, also in relation to the Home Renewal Programme, Mr. Chairman, the ministry is responsible for the Ontario Housing Rehabilitation Programme and also for the Ontario Housing Assistance Programme. Perhaps some statement about the extension of OHRP past next year might be in order in case there are any uncertainties as to that regard. Perhaps in the same breath the minister might comment very briefly about the present termination date of March 31 for OHAP since that's causing enormous concern about what happens next.

Those are the opening comments I wanted to make on the estimates.

[4:15]

Mr. Hall: Mr. Chairman, just a couple of brief questions. Does the minister have any figures that would indicate how many different communities are using the Home Renewal Programme, and what is the largest amount that has been placed in any community in the current year?

Mr. Chairman: If you just go ahead and give your opening comments, the minister will answer them all at once.

Mr. Hall: Yes. That's fine, thank you, Mr. Chairman. I agree with that thought.

I am concerned about some communities that may not be using it and I'm wondering if the minister when he replies would indicate to us what ongoing contact he has with certain communities, some of which have come to my attention, which, through some deficiency on their part possibly, haven't availed themselves of this programme.

I'd also appreciate it if the minister would enlighten me as to the exact time the money goes forward. Is it a matter of a requisitioning by the community for certain dollars on approval of an application, all requirements having been met, or can the municipality require funds to be sent down in advance of the actual outflow?

I want to just make certain that there's no money that's not being put to good use at all times in the transfer process. I support the programme, of course, and I would want to just check with the minister—I assume that this does not include funds in the current year for rehabilitation of rental properties, if you'd touch on that point with me. You might respond as to whether we're now getting into that as a result of your earlier announcements or whether we're still on owned property.

Those are the main questions. I'd appreciate the minister's answers and then if anything is derived from that I might appreciate the opportunity to raise another question.

Mr. Makarchuk: Mr. Chairman.

Hon. Mr. Rhodes: Mr. Chairman, I'm wondering if it would be possible in order to keep track if I could answer perhaps the two critics at this time and then go ahead with the hon. member for Brantford.

Mr. Chairman: It seems like a wise way to handle it. The hon. minister.

Mr. Makarchuk: Mr. Chairman.

Mr. Chairman: The hon. member for Brantford.

Mr. Makarchuk: Thank you, Mr. Chairman. I wish to participate in this. Earlier today we sat in the public accounts committeee looking at the—

Mr. Chairman: Well, it seems to me it is traditional that the two leadoff speakers for the opposition parties give their leadoff com-

ments, to which the minister can respond. Then we get into the questions and answers.

Hon. Mr. Rhodes: I'll be very brief in my responses because I think that in general there's agreement that the programme is working. I'm sure there will be some differences of opinion as to how well and how perhaps it might be improved, but the programme is working and that's evident by the fact that I am here now requesting extra funding for that particular programme.

The hon. member for Ottawa Centre suggests we have two million units in Ontario, but I would think he would agree that not all those two million units are in need of repair. I think perhaps while our percentage is a little higher, if we are at that point—that the two million of them are in need of repair at this time—then we're all in some difficulty and the minimum standards bylaws in the various municipalities cannot be working very well.

I think the rehabilitation programme has been working along fairly well in trying to meet the needs of those persons who are in the lower income areas. These are the people who, I'm sure the hon. member would agree—and he has made a great many speeches in this House, outside this House and elsewhere, speaking on behalf of those persons who are in that lower-income bracket—that they should be the ones to receive the help.

Mr. Cassidy: I am glad you've noticed. It hasn't had much effect.

Hon. Mr. Rhodes: One cannot help but notice. When you're speaking in Ottawa, I just open the door in Sault Ste. Marie and I can hear you. It's about that easy.

Mr. Conway: I'm for the lower-income bracket.

Hon. Mr. Rhodes: On the municipal administration of these programmes, I'm not going to be critical of them; they have had some problems. Part of that has been overcome, I believe, as a result of the people in the municipalities becoming more aware of the programme. They have municipal standards officers who are going out now properly trained and there are still some training programmes going on at the present time. They are being able to deal with the appraisals and the suggestions as to what type of work should be done.

The question of the amount of work to be done has given me some concern as well, and I have inquired in a number of municipalities as to why they are not making money available to owners so they can do, as was suggested, the smaller types of jobs—repairing around the windows and generally making the house more livable; that is, making some immediate repairs as aside from major construction work. In some municipalities they are insisting, before any loans are made, that they must do a major repair job on the basement or the foundation. But when people really want to have the livable portion of the house fixed up, they'll do that later, when they're more able.

One of the answers I'm getting—and I'm not sure whether it is entirely the reason—is they are saying minimum standards bylaws have been passed in the municipality and they have determined within their own administration that they do not wish to advance money under the programme unless the work that is being done will be bringing the unit up to the minimum standards, and they'd rather see the work all done at once. I am attempting, in my own way, to try to discourage that, and I am hopeful that some of the other repairs can be made. I think it's the same in my own municipality as it is perhaps in yours as well.

I may jump around a bit in answering these, but in response to the member for—I'll get it right yet—the member for Lincoln—goodness, I don't know how I forgot that—there are approximately 500 municipalities now taking part in the programme. I say approximately; I have a complete list of them, but I didn't total them up. The largest amount of money that I can see, in a quick look through these particular papers, appears to have gone to the city of Hamilton, with a total of $623,732 as the amount that has been forwarded to them. The amounts of money—I'm giving figures that have been actually forwarded to the municipalities—vary from down around the $20,000 mark up to that hight of $623,000. Most of them in the smaller communities, the smaller townships, are between $30,000 and $40,000. The municipalities, of course, are a little higher than that, getting up into the $150,000 to $200,000 area.

I have had further requests for more funding under this programme; I'm pleased to get the requests because, as I say, I think that shows the programme is working. It's working better now than it did a year ago. People are more used to it, and the administration is distributing the money more effectively. The money is transferred to the municipalities by the application being received from the municipality suggesting how much money they feel they need to carry on the programme within their community for that

time. We have allocation limitations, budget limitations and what have you, and the allocations are made up to a maximum on a per capita basis—based on the population, as any other per capita grants would be made.

The effectiveness of the programme in most communities, I think, has been good. As you related, we have extended the programme into the rental area. We now have that programme in effect. Applications are now being received and there are no income limits being placed upon the tenants who are in the units that are in this programme, as you probably know. But we are asking that it be done in those areas where there are lower-income people living in rented accommidation. Quite frankly, I'm not going to entertain someone coming in and wanting to fix up a $200,000 townhouse for some reason.

The member for Lincoln is having difficulty looking around his colleague. He's looking at the best side of him, I'll tell him that.

Mr. Ruston: Now, John.

Hon. Mr. Rhodes: The rental programme is just getting going now, and the money is included in the total that we have for this year. We realize it will not be very much money expended in the balance of this fiscal year, but we'll be ready to go in the next fiscal year with more money in the programme.

The hon. member for Ottawa Centre asked about the continuation of the programme. I think the programme is one of the real successes that we have and that we should be continuing the programme. We have already requested—

Mr. Cassidy: One of the few successes.

Hon. Mr. Rhodes: One of the many successes we have is this programme and I have now requested additional funding for this programme so that we can continue it and meet some of the requests that have come in. In fact, we hope for additional funding for the balance of this fiscal year so that we can add more money to the programme to keep it going in the various municipalities which are requesting more funding.

Mr. Conway: According to your parliamentary assistant it is the greatest success.

Hon. Mr. Rhodes: I think those are the remarks I wanted to make at this time. In keeping with your very strict order, Mr. Chairman, I shall refrain from responding to other questions that were asked about other areas of the ministry.

Mr. Cassidy: I sneaked them in so well he did not notice.

Mr. Makarchuk: Sometimes it puzzles me, particularly after sitting today in the public accounts committee and looking at the first time home buyers' programme where the wastage is about $9 million to $11 million. Just look at the whole programme, it cost $100 million. There was also the $160 million giveaway that went to industry, and so on. It makes me wonder why you have massive amounts of money going into those programmes of dubious value, of very little job-creating potential, in comparison to a programme like this. I have to congratulate the minister and the government; this is a very good programme as we've found it in our community particularly—and I had a hand in getting it started there. It's doing the kind of job that we expected it to do.

There are all sorts of people in the community—widows, single parents, older citizens and so on—who were living in rather dilapidated conditions in houses that were on the verge of being torn down, with improper heating, with roofs that were leaking, with windows that were not keeping the weather out and so on, and which were fixed up. They are extremely grateful that there is something of this nature going on.

The other aspect of this programme is the fact that there were many small contractors who before were making a sort of more or less marginal existence and who have managed, because of this programme, to acquire reasonable equipment and to have a reasonable income to put themselves on a sound basis. In fact, because of the start they got on the OHRP programme they have been able to go into some sort of major subcontracting field, or take on larger commercial work which they would not have been able to do before. That's another sort of spinoff from this particular programme.

This is why it bothers me when the minister does not demand a greater amount of money—perhaps he does—because as was pointed out by my colleague from Ottawa there is a lot of work that can be done. This is the kind of programme where besides the benefits that flow from it to the people who live in the homes, there are great benefits in terms of jobs that are created in the community. If you compare the number of jobs that are created for every dollar that is spent on the OHRP programme as opposed to the spending that went on the first-time home buyers grant or the $160 million equipment writeoff, I have a feeling, Mr. Minister, that you will find the buck invested produces

more jobs here than anywhere else in any of the programmes you've got in your government. I would suggest that you continue this programme.

My last question, of course, concerns Brantford, which as usual is running out of funding. I did send a note to you requesting whether they are going to get additional funding. I would like to know where they are on the list.

Hon. Mr. Rhodes: I will answer the last one first. First of all, it is not a question of where they are on the list. We don't work that way on it. The applications are there and they are evaluated and if they are eligible for money, certainly they will get it.

It seems to me we have forwarded to Brantford, up until now, $195,372. That was the approved amount, therefore I can't say at this stage whether we have more money going for them or not. We are aware there is a request in from them and we are trying to meet those requests to the best of our ability within the available funding.

I am pleased the hon. member mentioned that there is work being created by these renewal programmes. Obviously there would be. I hope that's what the experience is in your area, because in some areas it is not the experience. The opportunity is there, but many municipalities have indicated to me—I say many, some municipalities; I haven't been in touch with that many of them—have indicated a problem in getting that work done in that they are not able to get people who are willing to go out and do the sort of appraisal work and give an estimate on the work they think should be done and what it would cost.

[4:30]

As a result, these people who have had the municipal officials come and see them, look at their needs and say, "Yes, you are in need, get an estimate," are having difficulty. Some of them are waiting a month or more to get someone to come and give them an estimate on the work. When they do get the estimate, they wait another month or so before the individual contractor will say, "I'll come in and do the work."

Some of that delay is in that area between the estimate of the work and the actual agreement to come in and do the work. If that hasn't been the experience in Brantford, that's great and I would hope that that experience wouldn't be occurring in as many municipalities as it apparently is.

I think the programme needs more money. We have asked for more money to keep it going.

Mr. Makarchuk: On the same point, I think I have to point out to the minister that initially we did have a problem in trying to acquaint the people—one of the problems in that field is that there are a lot of fly-by-night operators—not a lot, but there are fly-by-night operators. That's one problem.

The other problem is that the small contractor was always concerned about going to a rather ramshackle building, doing a job which probably cost him $3,000, $4,000, $5,000, up to $7,000 or $8,000 and then wondering whether he is going to collect the money. One of the things we did in Brantford to dissipate that kind of apprehension was to hold a public meeting. It was a dinner meeting with the builders, small contractors and so on. I was there as well as our administrator and we explained the programme and from there on in, it took off.

They were assured they were going to get paid; that it's a well-funded programme and there is follow-up and so on. From there on in, we had no problems at all.

Mr. Good: I'm a member from a city which chose not to go into this programme. First of all, am I correct that the administrative costs of the programme are the only costs to the municipality?

Hon. Mr. Rhodes: Yes, a percentage of the total grant can be applied to the administrative costs. They don't absorb all the administrative costs but there is a percentage of the grant which can be applied to the administrative costs. They do have some.

Mr. Good: I have had quite a number of inquiries about the programme but the municipality has not chosen to go into it up to now. The rate of interest charged on the loan, I understand, is on a sliding scale depending on the income of the family. Could you give us an idea of what that rate of interest is?

Hon. Mr. Rhodes: The interest rate is from zero to eight per cent and the municipality determines what it thinks the interest rate should be. We leave that in the hands of the administration of the municipality.

Mr. Good: Could you explain briefly how people can qualify for this and the difference between this and the federal RRAP and NIP programmes? As I understand it, the levels of income are not that much different; I think it's between $11,000 and $12,000 for

the family income. This programme, I understood, is for people who do not qualify for the other programmes. What is the difference?

Hon. Mr. Rhodes: I'm afraid I can't tell you too much about the RRAP programme. I'm not very familiar with it. I try to confine myself to the programmes I have to contend with and I usually leave the federal ones to them. All I can tell you of the difference between our programme and the RRAP programme is that we didn't make commitments and back away. We kept the money available.

I can't tell you too much. I guess the main part of the RRAP programme is tied to the NIP programme, the Neighbourhood Improvement Programme. Ours is available throughout the community. That's the real difference I can see and I don't know that much about that programme.

Mr. Good: It's your own publication which says that this programme is available to those who do not qualify for the other things. On that basis, every municipality in the province would qualify for this programme and every person below the $12,500 income level would qualify—is this correct?

Hon. Mr. Rhodes: Yes, everyone would qualify and not only within municipalities. We have moneys in our programme that go to the unorganized territories as well where we have people who apply individually. It is administered through my own ministry as far as the disposition of funds to them for their repair work and the work that they would like to do in rehabilitation is concerned.

The reason we say where they don't otherwise qualify in that is that in the neighbourhood improvement areas, the RRAP programme is there. The OHRP programme goes throughout the community. Again, we leave it in the hands of the municipality. Some of the municipalities decide that they won't apply the OHRP programme in the NIP areas. As I have said many times, you almost have to speak a new language in it. I am bilingual; I speak English in housing. You can use RRAP in the NIP areas because RRAP applies to the NIP areas; you don't bother putting OHRP in there. You leave OHRP for those areas outside of the NIP and RRAP areas.

Mr. B. Newman: That will read well.

Hon. Mr. Rhodes: I am sure.

Mr. Good: One final question then, just so that I understand this, to see if we can get our council to come on this. It's rather strange —and I think you might enjoy this—I believe there was a resolution from a municipality in western Ontario last year asking that the programme be extended which it then was. It is rather amazing that our local council endorsed the resolution to extend this good programme but wouldn't go in it themselves.

Interjection.

Hon. Mr. Rhodes: I just might mention to the hon. member that if you would like, I say to you now, we would be very happy to send people from the ministry, in your company if you wish, or on their own, to visit with the new council—

Mr. Good: Better wait until after the election.

Hon. Mr. Rhodes: —on December 7 and see if we can convince them to join the programme.

Mr. Good: All right. So the last question is simply this. Your literature says the ministry may, in addition to the other rates, give an annual grant of up to $25,000 to the municipality. Would this be for additional work or for administrative purposes?

Hon. Mr. Rhodes: For the smaller communities, under 10,000 population. Basically this is a $4 per capita grant. In those smaller communities you end up in some cases with a small amount of money if you get down to 4,000, 5,000 or 6,000 people, so we give them the $4 per head plus up to $25,000 as well to give them some money to work with. Otherwise they wouldn't have sufficient funds even to get into the programme.

Mr. Good: Anybody but a region, I understand, could qualify for that.

Hon. Mr. Rhodes: That's right.

Mr. Good: Thank you.

Mr. Hall: Just to touch back for a moment on the matter of administration by the municipalities, whereby it would appear that some of them on receiving an application would send the building inspector around to the house and list everything that might have to be done, whether or not there is a minimum standards bylaw. I just want to ask the minister is there anything in the guidelines that you provide the municipalities with that would suggest to them that they have to go so far?

I know you said that you are trying to influence them to take on smaller projects. Where have they got this idea? Or do you feel that it's an approach that they are using

merely to reduce the number of units that are approved and therefore possibly their administration costs? Is there anything that the ministry has provided which would tend to make them require complete improvement as opposed to partial work being done?

Hon. Mr. Rhodes: I don't think we have done anything that would encourage them to go to larger amounts of money and larger projects.

I mentioned the minimum standards bylaws. The communities that have them may, if they wish, apply those particular standards. We don't encourage them and we don't have any influence in discouraging them. We leave that to them. Where a community has no such bylaws, of course, they are entitled to do as they will and they do. They treat their residents in whatever way they wish as to what size the project may be.

Mind you, we encourage them throughout the province to adopt minimum standards bylaws. We think it is healthy for a municipality to have them. But we don't require that they set the minimum standards as the ultimate as to what they will lend money for on these projects. We don't require them to do that.

Mr. Hall: It has cleared up a point for my own information because it is a local attitude respecting the programme, I guess, wherever such a thing would occur.

Mr. B. Newman: I wanted to ask a few questions concerning the programme in my own community. How many more funds are being allocated in my area in your new $1,500,000 supplementary estimate?

Hon. Mr. Rhodes: I don't think I can give you the exact amount we would allocate to Windsor. I can tell you at the present time we have allocated and forwarded $397,138 to Windsor. This $1.5 million we are talking about is going to be spread around fairly thinly.

We have applications from a lot of municipalities and we are going to have to be a bit selective in those areas which would, I think, have priority. That would have to be worked out. I can't tell you how much more money we would send.

I want to make a correction, too. I mentioned earlier that Hamilton had the most money. That is not so. The city of Toronto, obviously, has had the most with $1,028,000 so far.

Mr. B. Newman: You have a request for approximately $600,000 from the community and you are going to allocate some portion of that. Am I correct in saying that?

Hon. Mr. Rhodes: Yes. I think it is correct to say we are going to attempt to meet part of the requests of all of the municipalities. If I get more money we will be able to do even more.

Mr. B. Newman: Do you do it on an overall request for assistance and then allocate funds on a per capita basis for the communities? Or do you simply base it on where the need is the greater?

Hon. Mr. Rhodes: No, we attempt to do it on a per capita basis to the municipalities. Many times they will tell us how much money they think they want. They may not go to the maximum—

Mr. B. Newman: No, I understand that.

Hon. Mr. Rhodes: We give them what they request us in the way of funding.

Mr. B. Newman: Or up to what they request, rather than what they request?

Hon. Mr. Rhodes: Yes, I think that is probably fairly accurate—up to what they request. We don't necessarily go charging beyond that. In some cases we have met their initial request and, of course, they come back looking for more.

Mr. B. Newman: Do you require the municipality to pass a bylaw first to designate an area? Or do you not?

Hon. Mr. Rhodes: No, we have no designation areas with the OHRP programme.

Mr. B. Newman: Then it is the NIP programme that has the designated areas?

Hon. Mr. Rhodes: That is correct.

Mr. B. Newman: I have seen some of the results of the programmes in my own community—and the NIP programme. I say it is really working. People who would never have been able to afford to fix up their homes can live out the few years left them—may God give them many more years but we know the calendar is against a lot of them—they have been able to fix up their homes and they live in fairly substantial homes now.

The only thing wrong is that some of the elderly especially are a little afraid to get involved. They figure it is going to be a heavy financial obligation on them and they tend to shy away from it. There is a selling job to be done—in some instances on the part of municipal officials—to the individuals on that.

May I also say that in some instances the inspection, even though it is carried out on the municipal basis, leaves something to be desired. I recall one personal experience. I contacted them in the city hall and mentioned it; they came down and said everything was all right. I went down and inspected the home myself. The sills were covered with aluminum and set in such a fashion that the water was going back into the house instead of leaking out.

The city inspectors insisted that everything was all right so I told the lady not to okay the final bill. She didn't do it and then waited for about three months. They finally came down and fixed it up the way she wanted it fixed up, which was the way it should have been done in the first place, and everyone was satisfied then.

Hon. Mr. Rhodes: Can I just touch on two points? One, I am not overly enthused sometimes about the nuts and bolts of both ends of that inspection. I guess this is part of the growing pains of these types of programme. I am not enthused about some of the things I hear about what goes on when the initial inspection is made to determine whether they qualify and what work is needed. That goes back to what the member for Ottawa Centre and others have said about the amount of work which has to be done.

[4:45]

It leaves me just a little concerned that they go in and say, "You've got to spend $7,000, $8,000, $9,000 in order to get this work done properly." I agree with you; I've had some experience with this as well from around the province where the workmanship itself has not been that good and it has been passed by the municipal inspectors. We're trying to clamp down on that as well.

The other thing was about encouraging the senior citizens. Again, subject to the municipality's generosity or willingness, they can give a totally forgivable loan of up to $4,000.

Mr. B. Newman: It's hard for a senior to believe that, though. That's one of the difficult things.

Hon. Mr. Rhodes: Seniors, of course, are used to being independent and they just don't believe anybody's going to give them $4,000.

Mr. B. Newman: Yes, they've been paying their own way.

Hon. Mr. Rhodes: I realize it's very difficult for them to appreciate when you tell them because you're much younger. You should take your colleague, Mr. Spence, with you and he can convince them.

Mr. Cassidy: I'd like to ask the minister first if he could comment on the question of the income limit of $12,500 and whether there has been some sort of change in that in view of the fact that with inflation and other things, it's an ever-decreasing section of low-income families and modest-income families?

Hon. Mr. Rhodes: Gee, I don't know, you confuse me, Mike. I'd like to go back and read what was in the estimates when you and I had our discussion.

I don't think $12,500 is low income, yet, in the province. It's not a massive income but I wouldn't class it as really low income. I would think anyone making $12,500 and less certainly needs more assistance and there are a number of those people right across this province who are making $12,500 or less. You know about them and I do too.

If that number is decreasing, well then, I am encouraged, something has happened. But these are the people I think have to have the most help, and I would like to see the money we are putting out on this programme going to the people who are living in homes —the senior citizens have been referred to— who are trying to stay in their own homes, who desire to stay in their own homes and perhaps aren't able to get into senior citizens accommodation, subsidized housing, at this stage.

I can't see any need to change that income area at this time, the $12,500 and less, because I have people coming into me with much higher incomes looking to get into this programme. Frankly, we're just saying, no, it's the $12,500 and less at this stage.

Mr. Cassidy: Perhaps the minister could comment how much of the funding of the programme this year and what percentage of the funding next year would he expect will go to landlords under the rental portion of OHRP, which has recently been announced?

Hon. Mr. Rhodes: As you know, we allocated $2 million for this fiscal year. We really don't have any experience to know how they're going to come forth looking for this money. We've placed some conditions on that, the conditions being the area of the community it must be in, the fact that it must be acceptable to the municipality—that they will permit the renovation to either existing apartment buildings or to converting existing homes. It's part of our requirement that they enter into an agreement with us as it relates

to rent. So we have no experience yet on how many landlords in the various parts are going to come to us.

One of the things I am concerned about—and I think it's the concern of a lot of people in this Legislature, if not all—is I want to take a good hard look and make sure we aren't just getting some slum landlords who intend to take the money and continue to be slum landlords. I want to be sure they're responsible, that they're sincere in providing good accommodation at a reasonable rent in the areas where they need the most help.

So I can't give you an estimate on the percentage.

Mr. Cassidy: The reason I raise these questions is the following: The money is now to be provided to landlords in areas where there is low- and modest-income rental housing. The money that will be provided in certain cases will, I believe, be more generous than what is being provided to home owners in that same general area, because repairs and renovations up to $2,500 per unit will be given to landlords with a forgivable feature. This means they won't have to repay a nickel, they will get it all for free, so long as they keep the rental property for a certain period of years, whereas with an owner, even if they are on a very low income and get it at a zero per cent interest rate, something like half of the amount that is given to them has to be repaid and they can't get it on a grant.

The second question is this: Let's go back to 1974 and take a family then earning, say, $10,000 a year. By today their income could have surpassed the $12,500 mark but they won't be ahead at all. They will simply have been fortunate enough that their income kept pace with the rate of inflation, but they become ineligible.

What I'm suggesting is that anybody who can afford the operating costs of running a house—with the exception of certain very limited groups, some single-parent women or heads of families and some senior citizens—very likely has an income around that $12,500 mark or above it and still is in a rather desperate and difficult situation. That's why I'm suggesting you should look at this.

I say that in conjunction with the point of view that the total amount of funds provided for rehabilitation is still really inadequate. The commitment—obviously in political terms this is an attractive programme. For the people who benefit from it, it's an attractive programme—we've already granted you that. In terms of the goal of stabilizing low- and modest-income neighbourhoods, on the other hand, I would suggest that it is an ineffective tool.

Let me give you some specific examples if I can go to Ottawa now. The city of Ottawa is eligible and, I believe, has actually taken roughly $600,000 per annum in OHRP funds at $2 per capita. The township of Nepean, which probably hasn't taken its full benefit, is eligible for about $240,000 at $3 per capita because it has a population of 80,000 or 90,000 people.

If you go back 25 years the city of Ottawa had a population of around 200,000 with maybe 60,000 housing units. The township of Nepean had a population of perhaps 10,000 with maybe 3,000 housing units—that's 25 years ago. Therefore the township has 3,000 housing units which are more than 25 years of age and which therefore might need rehabilitation, and it has $240,000. If you're talking about $5,000 as the average OHRP grant, the township of Nepean is eligible for about 500 grants this year or one in six of its houses over 25 years old could conceivably be renovated according to this particular plan.

The city of Ottawa, on the other hand, has about 60,000 houses more than 25 years old. The $600,000 for which it is eligible—let me see if I can get the figures here—would finance approximately 120 grants.

I'm sorry, it's one in 60 for Nepean. In the case of Ottawa, it's 120 grants for over 60,000 houses which are more than 25 years old. That means something like—if I can get it straight—one in 600 or 500 housing units in the city of Ottawa could become eligible.

Clearly that's an inadequate kind of effort to stabilize residential neighbourhoods. I am aware that Ottawa has NIP and RRAP funding—which Nepean doesn't need or does not want—but all the same it seems to me that there are needs in many parts of Ottawa which don't happen to come within a NIP or RRAP area because those grants—the NIP plans—have been on a priority basis and they simply can't have them all over the city.

I would like to suggest there's a real inadequacy there and the minister's programme is not answering it. I'd also like to suggest that there is going to be an inevitable tendency for the landlord side of this programme to increase because the number of people who can afford to be in a house and who have an income of less than the figure set by the ministry will decline year by year. Therefore, you are aiming at a very small group. I think that while it is obvious that somebody who has an income of $9,000 or $10,000 or $6,000 or $7,000 should have

priority in getting the funds if there aren't enough applications at those income levels and there are families with incomes of $13,000 or $14,000 who have managed to get places of their own, it is surely desirable that they shouldn't be forced out of their houses or have to raise kids in substandard conditions because of the conditions created by the ministry.

I have two or three other questions:

First, over what period of time are landlords required to adhere to the rental agreement, which sets a limit on the rent that they charge on accommodation under the rental OHRP plan?

Second, since this is also covered under the vote, will the minister commit the government to pressing very hard on the federal government to follow up the great acceptance of RRAP funding at the local level and to ensure that we don't run short of funds next year as has happened over the course of the current year?

Third—and this is a slightly different area. I was sorry that in his introductory statement the minister did not respond to some comments that we had to make in the House some time ago about a rather different problem which has arisen with serious weaknesses and construction deficiencies in condominiums that were encouraged by the Ministry of Housing or its predecessors over the last eight or 10 years.

Some of those condominiums have had major construction defects, The builders have by now gone bankrupt, or have disappeared, or can't be sued, or something like that. We have recommended that OHRP might be an adequate vehicle to handle those particular problems where condominium owners are now hit with major amounts for repairs in areas where they had little or no control and where they are now victims of hasty construction, of inadequate construction standards, which were encouraged by the ministry of the day.

Hon. Mr. Rhodes: It is not in this vote, is it?

Mr. Cassidy: Yes, because I am suggesting that this would come under the Ontario Home Renewal Programme; that is a reasonable kind of vehicle to use in order to help these condominium owners who've got caught holding the bag because of a programme which the ministry and its predecessors were encouraging some years ago. I would like some answers to those questions.

Hon. Mr. Rhodes: Are you suggesting that the people in those condominiums would qualify under the income limitation? Is that what you're suggesting?

Mr. Cassidy: No, I am not suggesting that.

Hon. Mr. Rhodes: No, I didn't think you were. So what is the point of discussing it? You're making a grandstand play on something that you're bound you're going to get on the floor of the House. Well, be my guest, but don't ask me to respond to it when you know what the answer is.

Mr. Cassidy: There is a serious problem there.

Hon. Mr. Rhodes: I thought we were going to be friendly; apparently we're not, and that doesn't bother me at all.

Mr. Conway: Give it to him, John.

Mr. Bain: We are always friendly, John.

Interjections.

Hon. Mr. Rhodes: Somebody's pulled your shade, has he? All right. Seriously, I—

Mr. Cassidy: It's all the chairman's fault.

Hon. Mr. Rhodes: It's the chairman's fault, is it?

Mr. Cassidy: But he is a fine fellow, none the less.

Hon. Mr. Rhodes: I wouldn't blame him, he's a lovely fellow. He's trying to find a way to bring me to order, I can see it coming. Mr. Chairman, I—

Mr. Chairman: I'm trying to implore you to be less provocative.

Hon. Mr. Rhodes: Oh my heavens, I would never be provocative—violent maybe, but never provocative.

Hon. Mr. Handleman: Why do you think I came in? I didn't come in to hear you not being provocative.

Hon. Mr. Rhodes: As far as the incomes are concerned, the $12,500 figure—somewhere you have a cut off. I know the philosophy of the hon. member. I could raise it to $15,000; it could go to $20,000. I can take you to houses in Ottawa probably where people are making $25,000 to $30,000 a year and because they themselves choose other priorities, their houses could well use $20,000 worth of repairs. I can show you

them in many parts of this province—where people live in what they think they're satisfied with and spend their money on other things.

Mr. Conway: Has Michael Pitfield been talking to you?

Hon. Mr. Rhodes: So I'm not going to run around worrying about the fact that somebody making that kind of salary wants to have their houses repaired at my expense. No thanks. They can make their own priorities. I am going to try and put the money—

Mr. Cassidy: Boy, you really set up straw men, don't you?

Hon. Mr. Rhodes: I'm not setting up straw men.

Mr. Cassidy: Yes, you are. Respond to the question.

Hon. Mr. Rhodes: You have been building straw men in this Legislature for five years.

Mr. Chairman: Order, please.

Hon. Mr. Rhodes: It's time somebody burned a few of them. And that's one of them.

Interjections.

Hon. Mr. Rhodes: This business of everybody having to have a free handout—well, it's not going to happen. I'm not going to debate with you the question of the incomes. They're going to stay where they are. I'll give you the chance if you have this chair some time; do what you will with it. But as long as I'm here we're going to hang on to try and take care of the people in those income brackets.

Mr. Cassidy: Then it is an inadequate programme.

Hon. Mr. Rhodes: The programme is adequate to handle the problems that are existing now. The programme is working well. People are taking advantage of the moneys that are available to them. As far as the city of Ottawa is concerned, last year we allocated them a total grant of $591,000. This year they haven't come in yet, so we don't know when they will be coming in to require their funding. Probably between now and the end of the fiscal year they will come in with their next requirement.

[5:00]

The landlord situation—I don't have that answer right now for you. I can't give you the exact answer as to how that is going to work, what the requirements are. I'm satisfied—and if I'm not I'll make the changes necessary—that we can make sure that the landlords meet the requirements and the intention of our involving them in the programme—limitations on those rents. Regarding the comparison you made between the landlord and the individual citizen or own-home owner, $2,500 is forgivable provided, of course, they meet the requirements of the agreement and the rents are stabilized.

In the case of the individual owner, up to 50 per cent can be but it can go up as high as $4,000 to be totally forgiven, as far as those loans are concerned, so it is better in that extent depending on the size of the programme. The maximum to the landlord, as you know, is $10,000 per unit with $2,500 forgivable.

Mr. Cassidy: The landlord can get a 100 per cent grant.

Hon. Mr. Rhodes: He can get up to $10,000. Ten thousand dollars is the maximum per unit for the repair job.

I may have forgotten one other question.

Mr. Cassidy: The RRAP question.

Hon. Mr. Rhodes: Oh, yes, without hesitation, because when the RRAP situation became questionable not too long ago we did make some contact with the federal government, and I think with some success, in explaining that we felt that programme was working and should be kept going. Certainly the city of Vanier in Ottawa itself approached us and asked for our support of its position and more money suddenly was made available for that programme. I haven't met the new Minister of Urban Affairs as yet. I'm hoping that when I do, he and I will have discussions on the continuation of the RRAP and the NIP programmes both.

Mr. Cassidy: Just a final comment, Mr. Chairman. Under the proposed landlord OHRP which is proposed here, although there is an agreement between the landlord and the municipality, there are some serious questions about enforceability which I hope the minister will look at. Some of the problems that CMHC has had with its agreements with developers under limited dividend might be the area which they might follow.

The second thing is that the landlord, after he's entered into this agreement, can rent to people with incomes exceeding $12,500. In

fact, he can rent to people whose incomes go up to $15,000 or more. He could decide to exclude people with kids because the units have got so nice that he didn't think families should live there any more, and yet he would still not be prevented from continuing to enjoy the forgiveness feature of his grants.

Thirdly, a landlord who decided to do $2,500 work to a rental unit could get the entire amount forgiven, whereas an owner who decided to get $2,500 worth of work done could only get forgiveness on one-half of that amount. It seems to me that in those regards, this is a scheme which is more generous to landlords who begin by having rental accommodation in a modest end of town than it is to home owners in the same area. The landlords get a higher proportion of grant, they're not so subject to the income limitations, and they can decide arbitrarily to exclude families with children. I don't think that's good enough and I think the minister should look at those aspects of the programme very carefully.

Hon. Mr. Rhodes: Mr. Chairman, just briefly, on the question of the rental agreement, I think in the material we say "agrees to permit the municipality and/or the minister to verify rentals from the tenants." So the minister very well can be involved in the verifying of the rentals that can be charged, and we do have that hand on the situation and it isn't a matter of the municipality simply allowing the rents to go up and down. We can have the control.

Mr. Cassidy: You're getting in trouble.

Hon. Mr. Rhodes: Oh, you're suggesting that if we have rent controls, we're getting into trouble. Now that's a real novel twist.

Mr. Cassidy: I suggest it is difficult to enforce.

Hon. Mr. Rhodes: Well, fine. I hope that reads well.

These units will be subject to the rent review programme. I'm not that concerned about the amounts of money that are forgivable. There may be nothing forgivable. It depends on the municipality. They may well say to the landlord, "No, there's nothing forgivable." It's permissive, as you know, up to $2,500 and it could well be he won't get any forgiveness on it.

Mind you, the same applies to a home owner as well and some municipalities, unfortunately, I think, have taken that attitude that they just won't forgive any of it, that it all has to be repaid. I guess that's one of the hazards you have when you allow municipalities to make their decisions themselves as they see it relate to their community. I don't think we're in that much trouble; I think you're anticipating trouble. I'd like to see the thing start; then if there is some trouble starting to develop, surely we can catch it quickly enough to put a stop to it.

Mr. Cassidy: A final point then. I'm basing that partly on the experience that—

Mr. Chairman: You have said "final point" twice now.

Hon. Mr. Handleman: He can have two final points.

Mr. Cassidy: I'm basing that on the experience that people have had with the limited-dividend, OHMC housing in trying to enforce rental agreements there. It has been extraordinarily difficult where a landlord has not wanted to be easy to work with. I'm suggesting that it may be undesirable to bail out landlords who have allowed their properties to become slums by giving them these funds. I'm also suggesting that for the class of home owner over the $12,500 mark—say from $12,500 to $15,000; they're having a rough time too—that to give them money at eight per cent to encourage rehabilitation and the stabilization of neighbourhoods might, in fact, be a higher priority than to help out slum landlords.

Mr. Conway: Mr. Chairman, as a member of this assembly, I must say that I am delighted to see you in the chair. You combine the wisdom of Solomon with the patience of Job, particularly where it relates to some of the more loquacious members of this assembly. I suppose the good burghers of Nigipon should be commended for their wisdom of choice.

Mr. Cassidy: They certainly should.

Mr. Chairman: What's that got to do with OHRP?

Mr. Ruston: Or RRAP and NIP?

Mr. Conway: I just have one or two comments for J. R. Superstar. Like the member for North York (Mr. Hodgson) last night, who I think admonished us all very wisely that we should be quick to point out those things that are positive about achievement in government, I want to say, like many of my colleagues, that I've been quite impressed with the success in many instances that this programme has enjoyed at the local

level with those municipalities in my constituency that have chosen to opt in.

Mr. B. Newman: I think it is the good representation.

Mr. Conway: Of course. That is implicit in all of this.

Hon. Mr. Rhodes: He opted in two years ago.

Mr. Conway: I just wanted to ask the minister one or two things. Firstly, have you got any indication or feedback from the municipalities as to whether there is an average in terms of disbursements under this—not that it would mean a great deal. I'm just wondering if there is an average that is readily available to indicate what the individual disbursements are adding up to or coming out as.

Secondly, I want to raise a matter that I've had directed to me in two or three letters from constituents living in a smaller community in my riding that has opted in. This municipality has roughly 1,000 people; it does not, for example, have the bureaucratic facilities that a larger community in my riding, such as Pembroke, would have. There seems to be some concern on behalf of some of the people who are involved in this programme in that smaller community about the effectiveness that the smaller municipality can provide in terms of inspection.

We've contacted the ministry along that particular point, but I thought I'd take advantage of this opportunity to question the minister to see whether or not that has been a problem in smaller municipalities and whether those people who have participated in the programme in those localities have had a problem with some of the inspections.

I know that many people expect far more from the programme than it is designed to provide, but there seems to be some irritation on the part of some of the people who have contacted me from smaller municipalities about the inspections. Sometimes they're not happy with it, and they are wondering if there is recourse to your central administration for redress.

I want to conclude as well by saying that I think it is a very good and positive initiative and I want to commend you for it. I think it's certainly a step in the right direction.

Hon. Mr. Rhodes: Frankly, we haven't had a great number of complaints—very few, in fact—from the smaller municipalities. Most of the complaints about inadequate inspection come from the larger municipalities; there have been a number there, but not from the smaller municipalities. I think it is safe to say, without being attacked by contractors and others in larger municipalities, that this is a result of the kind of local attitude that exists in the smaller communities. I think the work is done a little better in the smaller communities, because you know who the guy is and he's not that far away. But we haven't had many complaints.

What has been done, though, in some of the areas is that the communities will combine to have an inspector. The property standards officers association in Ontario has been training people from the larger municipalities and saying that they would, in fact, make these people available to go to smaller communities and do inspections for them to see that this work is being done right and that minimum standards are being adhered to.

The average price or the average amount of money being put out per unit, is surprisingly quite low—$3,400 is the average price. That would lead us to believe that there are a number of areas in which the smaller jobs are being done. Some of these are in the smaller communities where the homes require immediate attention, as I suggested, to the livable portion of the house. The other part is allowed to wait because they are being forced to do it.

In larger communities the arm is being put on a little more to get the larger jobs done. But $3,400 is the answer.

Mr. Bain: I, too, would like to congratulate the minister on the Ontario Home Renewal Programme. If he is the author of the programme I would encourage him to embark upon more such programmes. It certainly is very worthwhile and it has brought a great deal of benefit to the people in my riding.

I would like to make three points which I hope the minister will consider and I feel they would be constructive. I don't know exactly how you overcome one of the problems because I can appreciate that one of the cornerstones of the programme is that it is administered by local municipalities and they have a certain amount of leeway with the regulations they have in the programme.

There are a number of townships, small communities, in my riding but in one township no part of the loans are forgivable while right across the concession road is a fellow who is getting $1,000 forgivable. The incomes are basically the same.

I wonder how we can overcome that? There's an obvious injustice. I am sure you will agree that the fellow in the township who doesn't have any forgivable portion feels an injustice. I think there is a real injustice and I throw it out for the minister. I think there should be some sort of guideline on a province-wide basis without taking away the local involvement because I do feel that local involvement in administering the programme is important.

The second problem I have run into is that some townships opt out completely. They don't participate because for various reasons they feel they don't have the staff to run a programme. Usually this is a township which has a part-time clerk or doesn't have a full-time person on the job, and it doesn't feel that it has the personnel to become involved in the programme.

Therefore, the people in that particular township cannot participate in the programme. I was wondering if the minister would consider doing the same thing as he does for unorganized townships. In the case of unorganized townships in northern Ontario, the programme is administered by the northern affairs officers and, in the case of my riding, the two offices in my riding do a very capable job of administering the programme.

Would the minister consider allowing the programme in organized townships which feel they don't have the personnel to participate in the programme, to be administered by the northern affairs officer so that the people in those townships wouldn't be denied participation in the programme?

Lastly, I have a point which hasn't been widespread, at least from my own personal experience, but I would like to bring it up for the minister's consideration. On a couple of occasions I have run into situations in which people have applied for an Ontario Home Renewal Programme loan or grant and they have been denied it or they haven't received what they felt they should have received. There doesn't seem to be a normal appeal mechanism.

[5:15]

I was wondering whether the person should appeal to the minister or do you feel that some sort of appeal board would be appropriate, since it is a programme funded by the province? I would hope that this appeal board would be used very seldom. But do you think there would be some sort of appeal mechanism like that, that would be appropriate, or would you advise people who do have an appeal they want to make that they either go through their member to the minister or go directly to the minister? I would appreciate the minister's comments on those three points.

Hon. Mr. Rhodes: First of all, Mr. Chairman, I think the point is extremely well made on the fact that on one side of a concession road there is the forgiveness portion of the loan and on the other side there isn't. It has caused me some problems. I think we can make the necessary changes there that are required for this programme to apply uniformly. There is a limit to what you can do as far as the local autonomy sort of thing is concerned. I would like to take some time to look at that to see how we can work it out favourably and allow this thing to have uniform application, in particular in that forgiveness area. That is a difficult one.

As to the question of the inspections of the units, yes, the northern affairs officers I think is another good point you have made and a valid one. In those smaller municipalities they are concerned about trying to get into these programmes and I wonder sometimes if we don't prevent them from getting into them because of the fact they don't really have adequate staff. So in the unorganized territories we are using two areas that you are probably aware of—the northern affairs officers and the health units. I think we can apply those to the smaller municipalities. I'd like to take a look at what sort of workload they think they can handle depending on the size of the municipality and what the population is, but I think that can work.

I haven't had a great many complaints as to those who feel they have not been fairly dealt with, but many of them may be staying within the municipality itself. I would think at this stage that perhaps the best way to appeal this sort of thing, because the programme is being funded out of the ministry and through the ministry, is the latter course that you propose whereby the matter is brought to the member and the member in turn can bring it to the minister and allow the minister to deal with it to the best of his ability with his staff and perhaps do the follow-up work through whatever agency is doing the inspection, be it the municipality or be it the northern affairs officer, to attempt to give them some satisfaction as to what has happened and not simply have a flat "no." So I think those three points can be taken care of.

Mr. Mancini: Mr. Chairman, I just have a short question for the minister. I believe it was partially answered just a moment ago. I happen to come from an area where I have to believe that the staff in the municipalities

is fairly adequate. We have one area in particular where there have been at least half a dozen calls come to my office about people who fall into the category where these loans and grants probably would be approved for them. But they go to the township and the township says, "No, it's a big plan, it's a big programme, we just can't set it up." I was wondering what your ministry was doing to try to help to explain to these municipalities so that it just won't create a lot of bureaucracy and just not create a lot of work and that they should funnel this money through to the people. There's nothing that I as a member can do if the municipality just does not want to assist.

Hon. Mr. Rhodes: Mr. Chairman, I certainly make the same offer to the hon. member as I made earlier to the other hon. member. Perhaps if I knew where you fellows were from it would be easier.

Mr. Mancini: I am from Amherstburg.

Hon. Mr. Rhodes: Amherstburg. That's not the name of your riding.

Mr. Mancini: Essex South. You should know where I am from by now.

Hon. Mr. Rhodes: No, it is so seldom I see you in the House that I just wasn't sure there was anybody there.

Mr. Mancini: Mr. Chairman, on a point of order, I think the minister should retract that statement, because it is not true.

Mr. Deputy Chairman: Order, please.

An hon. member: It is.

Hon. Mr. Rhodes: Mr. Chairman, I wouldn't withdraw the statement. I didn't say anything derogatory. I simply said it is so seldom I see him in the House because I don't very often look over there.

Mr. Deputy Chairman: Perhaps the hon. minister would be less provocative and we can get on with the debate.

Mr. Cassidy: It's because you are fixed on the NDP.

Hon. Mr. Rhodes: The hon. member is in the Legislature so often that I sometimes become used to him. Do you feel better?

Interjection.

Hon. Mr. Rhodes: We make the same offer to you. If you would like us to have our people go down and meet with the municipal council, we would be glad to do that. The literature that has been sent out explains it pretty clearly.

There is not a great bureaucracy involved. I think you are right that many of these communities do have existing staff doing other jobs. I know in my own community, there was no additional staff required for the programme and existing staff took on this extra portion of work and are doing it quite well. But if you need assistance from us, we have people who would be glad to go down and meet with those councils, meet with officials and discuss the setting up of the programme and get them into it.

Vote 2002 agreed to.

Mr. Deputy Chairman: This completes the supplementary estimates of the Ministry of Housing.

SUPPLEMENTARY ESTIMATES, MINISTRY OF GOVERNMENT SERVICES

On vote 803, upkeep of accommodation programme; item 2, repairs, operation and maintenance:

Mr. Deputy Chairman: This vote deals with the upkeep of accommodation; repairs, operation and maintenance. The hon. minister.

Hon. Mrs. Scrivener: These supplementary estimates now being submitted to the House for approval are to provide for increases in energy costs and for urgent building repairs. The amounts are for repairs, operation and maintenance; $1.75 million for energy, $650,000 for increases in repair projects.

Mr. Ruston: A question to the minister. I haven't been able to receive any information as to what these estimates are for; we did do a little calling but haven't been able to find out. Now you say they are for extra energy cost and building repairs. Now, you know, what—

Mr. Hodgson: That is that office you have on the third floor, Dick.

Mr. Ruston: What's the matter, Bill? It is nice to see you!

Mr. Deputy Chairman: Order please.

Mr. Ruston: That's wondeful! It is nice to see you, Bill, over there.

Mr. Deputy Chairman: Order, please.

Mr. Ruston: I haven't seen you for so long.

Mr. Deputy Chairman: The hon. member will refer to the other hon. members by their ridings, please.

Mr. Ruston: Yes, well I will have to stop and figure out where he is from.

Interjections.

Mr. Deputy Chairman: The hon. member will continue debating the estimates.

Mr. Roy: Tell him to keep his voice down. He woke up the member for York North. The member for York North is awake.

Mr. Ruston: When you say building repairs, what would the necessity be for building repairs? Was it higher costs of some of the jobs that you had planned and is this what the extra money is for? Can you tell me that, Madam Minister?

Hon. Mrs. Scrivener: Basically these are for repairs that could not be foreseen a year ago. This means a breakdown or something that has become obsolete and worn out, as for instance an elevator which has required an urgent expenditure for repair. These are repairs which we could not predict a year ago.

Mr. Ruston: Could you give me a rough idea of the major ones? I don't want to get into the small ones, but have you got any listing there of some of these major repairs and where they were located?

Hon. Mrs. Scivener: Yes. As for instance, for the Minister of Agriculture and Food (Mr. W. Newman) in London, Ridgetown College; repairs to the electrical distribution system. The wiring deteriorated causing an overloaded and unbalanced system. Overhead lines were in real danger of collapse. And so the cash flow this year is $18,300 and that's about the total cost of that particular project.

In terms of, say, the district jail at Haileybury, it was necessary for us to replace windows completely with security screens and this was a security measure. The existing wooden windows were in an advanced stage of deterioration. The existing security is now provided by steel bars. The arrangement for these bars could allow weapons to be passed to prisoners. To reorganize this security system would involve a cost of $47,100.

Another example would be cables for phase two of the five-kilowatt distribution at the E. C. Drury school at Milton. This system is in a critical state due to deterioration of existing cables resulting in considerable expenditures for emergency temporary repairs—$47,900. In Woodstock, the hospital required an overhaul and update of two elevators since the existing elevators were old and a continuous source of trouble. That cost was $40,000.

Mr. Ruston: None of the money you are asking for in these supplementary estimates will be used for any other project? It is strictly for energy costs and building repairs. In other words, we are not getting into any other areas of your ministry. Is that correct?

Hon. Mrs. Scrivener: Yes, I assure the member that this is true. These are all repairs and expenditures for energy costs which could not have been predicted one year ago.

Mr. Conway: I was just going to pursue that line of questioning about the services. I was going to talk about services in the scrolls department of protocol and ask for the minister's comment about the ongoing politicized aspect of the scrolls department.

Mr. Deputy Chairman: Order, please.

Mr. Conway: Presumably that may not be in order.

Mr. Deputy Chairman: I am not aware that that item falls within this budget and I would ask the member to refrain.

Interjections.

Mr. Conway: I can assure you, Mr. Chairman, I will certainly retire. I know the minister will take this into consideration and have the Premier's office stop interfering in the normal administration of this—

Mr. Deputy Chairman: Order, please. Can we return to this particular item? Is there any further discussion on item 2 of vote 803?

The hon. member for Wentworth North.

Mr. Samis: That is what I call cohesiveness, Albert. Stand up, Eric.

Mr. Roy: I told you before to stand up.

Mr. Cunningham: Mr. Chairman, I am intrigued by this discussison on energy costs as it relates to this $2.4 million. I would like to ask the minister how she could so seriously underestimate the demands that we have on the various plants, utilities and buildings we are required to operate here in the province of Ontario.

I am drawn to several questions. First of all, are we not trying at this particular time

to make an effort to curtail our expenses as they relate to energy expenses and are we not involved in various methods of economy to effect some real savings here? Just what is being done in that ministry to result in some savings to the taxpayers, at least as it relates to energy conservation? I know that on many days in this particular building, the temperature seems to be in excess of 80 degrees.

Mr. Conway: That is after the Premier's speech.

Mr. Cunningham: I am wondering, is part of this money being used to pay for maintenance charges or cleaning work being done on buildings that are currently at this time unoccupied? And if not, what is the extent of money we are paying right now for unoccupied buildings?

Hon. Mrs. Scrivener: As I commented at the beginning of this statement, $650,000 of the total amount of $2.4 million is for repair projects. The balance of $1.75 million is for increases in energy costs. I think that description is perhaps a misnomer inasmuch as a year ago we could not foretell what the actual cost increases in energy would be; we simply increased our requirement for energy costs by five per cent at that time, knowing full well that this probably would not cover increased energy costs and knowing full well that we would probably have to come back with a supplementary estimate on this item. There was no alternative Mr. Chairman, since that was the amount we could justify at that time. These are increases in energy costs; specifically for purchase of steam, gas, oil and so forth.

[5:30]

Mr. Cunningham: To use a phrase we've heard here in the past, I am reluctant to become provocative but would it be fair to ask the minister or at least to infer on my part that one of the reasons she underestimated was to make the original budget look much better than it was? That would be unfair? I won't ask that then.

Mr. Conway: Ordain her!

Mr. Cunningham: I want to tell you I didn't expect an answer.

Mr. Conway: You won't get one from her.

Hon. Mrs. Scrivener: Mr. Chairman, the real fact is that our great desire for honesty and integrity in our budget precluded an increase over five per cent.

Mr. Mancini: Just read your own mail.

Mr. Conway: Did you ever get that boulder out of the parking lot?

Mr. Deputy Chairman: Order, please. The hon. member for Wentworth North—is there any further discussion on this?

Mr. Cunningham: I have one more point, Mr. Chairman, and I'd like your guidance on this. I'm wondering—we're being asked at this point in time to vote $2.4 million in supplementary estimates and as the member for Essex North has indicated, there has been very little assistance to him as our critic in providing him with some information as to a general breakdown. We're given a very cursory indication of how these moneys are being spent and I must say that it really is difficult to examine these expenditures effectively. I must say that, fundamentally, I'm more or less offended by this discourtesy. I'm wondering if it is the customary procedure in this place to do this kind of thing?

Mr. Conway: Freedom of information. Do the hatchet job.

Hon. Mrs. Scrivener: Mr. Chairman, I am sorry if the member for Essex North feels inadequate information has been provided. Really and truly, this supplementary estimate is quite self-explanatory. It is exactly what the words say it is.

Mr. Roy: It is not.

Hon. Mrs. Scrivener: It is $1.75 million for increased costs of natural gas and other fuels.

Mr. Roy: You make C.D. Howe an amateur.

Hon. Mrs. Scrivener: The balance is for very small but basically costly emergency repairs to buildings throughout the province.

Mr. Deputy Chairman: Shall item 2—

Mr. Roy: No.

Mr. Deputy Chairman: The hon. member for Ottawa East.

Mr. Roy: I want to say, in support of my colleague from Wentworth North, that it seems to me, listening to your explanation as to energy, that it's obvious—the evidence is there no matter what you say—your energy conservation programme is certainly not working.

The feds, I think, are looking at saving maybe 10 per cent in energy, and when you budget five per cent over and above last year's budget and you still don't have enough, it appears that the energy pro-

gramme your colleague, the Minister of Energy has been talking about has not been that successful. When we're considering brownouts in this province I think maybe you should look at the amount of energy used in those television lights and whether they're needed in this place or needed for that length of time. Are you going to install Christmas lights in those trees you've just put up in the hallway? These are all things that government—I don't want to be the grooch or the grouch that killed Christmas here but—

Mr. Bain: Go ahead.

Mr. Roy: What do we call him? Scrooge? It seems to me, to the minister, that if we're trying to set an example for other people in the province, you should give some evidence of leadership in the area of conservation of energy. The fact that you're coming back here for supplementary estimates and we're doing all these things, is certainly not good evidence of that coming forth.

Hon. Mrs. Scrivener: Mr. Chairman, I'd be very pleased to direct the member's comments concerning the klieg lights here in the chamber to the Speaker for his attention. As to the Christmas tree lights, our expenditures for Christmas tree lights have been greatly reduced and, of course, our tree lights are on timers now. We have them come on at a very specific time and turn off at a very specific time.

All our energy conservation methods in this ministry are very considerable but we cannot control the actual cost of the fuel we consume. That's beyond us.

Mr. Warner: All those people in the Moog building over there.

Ms. Sandeman: I would like to congratulate the minister on the fact that finally the ministry has discovered the simple device of the on-off light switch for the members' offices. I've been appalled ever since I've been here by the fact that when I left at night I couldn't turn the light off in my office. I was delighted to have to sit in the dark the other night while that small matter was rectified.

However, I wonder if you could somehow advise the cleaning staff and the security staff as to the use of that little switch on the wall. I turn the light off when I go home at night. My assistant comes in or I come in in the morning and the darn thing is back on again. We're never ever going to save any energy around here if people can't be taught how to use one finger with a little switch on the wall.

Mr. Singer: Mr. Chairman, I presume some of the money in here is going to be used for this building. Am I correct in that?

Hon. Mrs. Scrivener: For the heating, yes.

Mr. Singer: And probably some of it will be used for that press conference room down there. That comes under your control doesn't it?

Mr. Roy: That's right.

Hon. Mrs. Scrivener: You are talking about heating sources?

Mr. Singer: Yes, yes, and the lighting and the control and the furnishing, that's all yours. Can you tell me what the rules are and how a man named Southcott got permission to hold a press conference—

Mr. Deputy Chairman: Order, please. I'm not certain there would be any extra fuel utilized for that.

Mr. Singer: I'm sorry, I didn't hear you, Mr. Chairman.

Mr. Deputy Chairman: The Chair just observed that in all probably there wasn't any extra fuel used for that.

Mr. Singer: Oh, there must have been.

Mr. Breithaupt: Mr. Chairman, that would only be true if it was heated by the hot air of the conference that was going on at the time.

Vote 803 agreed to.

Mr. Deputy Chairman: That concludes the supplementary estimates of the Ministry of Government Services.

SUPPLEMENTARY ESTIMATES, MINISTRY OF CULTURE AND RECREATION

On vote 2806, sports and fitness programme; item 2, community assistance:

Hon. Mr. Welch: Mr. Chairman, I am asking for consideration for an extra amount of money which is completely related to the special programme for the repair and in some cases replacement of arenas, in order that they might be brought within certain building regulations. I would draw to the attention of the committee that the committee has already considered in the formal estimates presentation of the the ministry the request for some $8.97 million for this vote. I would report that we have paid out now

about $4.8 million, representing 670 projects. The remainder, which is $4.1 million, represents the amount we will need to honour commitments for an additional 900 projects. That is the regular vote.

In so far as the special programme is concerned, bringing some other facilities up to building code regulations, we have now about 105 applications which have been committed or are in the process of being committed. With some expected delays, they represent the amount to which we are now asking the committee to give some consideration as extra funds—that is $6,178,000.

Mr. Samis: Naturally, we realize the importance of this expenditure, although maybe not in the city dominated by the Maple Leaf mint to the east of us. I would ask whether the minister, in the brief time allotted to us, could give us any information about whether he has any funds afforded to the member for Grey-Bruce (Mr. Sargent) on behalf of the athletically inclined or physically unfit members of this Legislature so they can engage in their form of recreation east of here in the mint. Since there seems to be a very poor turnout at these athletic events, maybe the minister could make provision for adequate recreation facilities or at least incentives for the members here to engage in such activities.

Mr. Breithaupt: Perhaps a social hour.

Mr. Deputy Chairman: Order, please. It would seem to me that this vote is for arena repair.

Mr. Samis: Right, that was the whole point of it.

Hon. Mr. Welch: Not human repair.

Mr. Cunningham: You are beyond repair.

Mr. Samis: Very briefly, Mr. Chairman, in the time allotted, let me say we would support the use and expenditure of this money. There is no question that in these small towns in Ontario, with the crises and problems that were faced by many of them just in the last few months, this money is vitally necessary, number one, to assist them to meet the financial need, and, secondly, to ensure the very important social, cultural and athletic programmes, namely the hockey programmes engaged in most communities, be afforded to the residents, taxpayers and children of those communities.

The only thing I would say is that if we look in retrospect at how this whole situation developed, it left something to be desired. I would hope that the ministry would take note of the lesson that may be learned from this experience. We had communities building arenas, say five years ago, according to the existing standards; then we had the snow load standards or provisions increased. It does make it very difficult in small communities to have some bureaucrat from Queen's Park, or some unelected, irresponsible—in its best sense—official, tell them they must spend X number of dollars to make their arena meet the new provisions and the new standards. I would hope that there would be a little more consistency in the actual standards or provisions laid down for small communities.

I did note that in certain publications, Farm and Country for one, there was a certain amount of resentment that many of these decisions for fairly sizable financial obligations on small communities were made by non-elected officials, the bureaucrats at Queen's Park, in a rather arbitrary way. Finally, when all this pressure built up from the various small communities, the Ministry of Labour did show some flexibility. I congratulate the Minister of Culture and Recreation for assisting the inflexible ministers to show some semblance of flexibility and, horror of horrors, some symbol of humility, in the whole process. For the fact that he's provided extra money through the sports and fitness programme, along with relaxing the provisions for Wintario for communities in southern Ontario and western Ontario to meet those somewhat arbitrary deadlines, I congratulate him as well.

So overall, Mr. Chairman, on this item we would support the expenditure of this amount. We would ask that the minister in future not allow the bureaucrats to exercise such an arbitrary power over small communities, but we say right on and go ahead.

Mr. Kerrio: I am somewhat disadvantaged, I just came up from committee. I think the House leader must have done that on purpose to let me fumble a little so that I can't go at him.

Hon. Mr. Welch: No. I don't think you need any practice.

Mr. Kerrio: You know, that's two I owe you now, Bob. You got me in trouble with the hockey players and here I am again.

Mr. Foulds: Keep going, Vince. We don't want to go overseas. Let that be on the record.

Hon. Mr. Welch: You play hockey too well to be an old-timer.

Mr. Kerrio: We certainly are disadvantaged in this vote because we can't level our guns at the hon. minister because we concur with what he's doing here. I will only make a couple of comments that I think are reasonably valid.

I would like to refer to Hansard of June 3, on page 2901. We were talking about estimates at that time and I'd like to read into the record, Mr. Minister, that at that juncture I said: ". . . the other point I wanted to make has to do with the priorities in Wintario funding. I suggest to you that there are many arenas across this province which have been up for 20 or 30 years and might very well be closed down because they badly need repairs. We are going to have people suffering in many small communities while you're building $3 million to $4 million edifices in other communities. That's how well the prorities are working within that ministry."

I have to think that for a new member here, I might have been looking forward to what's happening to us today. And the one thing I'd like to say to you, Mr. Minister, is that I haven't changed my mind. I feel badly that we have to go to supplementary estimates to raise this kind of money. I have to think that if there was anything meaningful to be done with Wintario funds, at this juncture we should be injecting them into this very worthwhile cause.

Be that as it may, I'll join with the critic from the NDP and be favourable to these supplementary estimates.

[5:45]

Interjections.

Mr. Moffatt: Mr. Chairman, I'll be brief so that the member for Sudbury (Mr. Germa) may make more acid comments than I might. I wanted to raise a couple of items with the minister which I think need to be taken into consideration. I've been in contact with his office and while the people there are very pleasant and always cordial there is a tendency for things not to happen from time to time.

The two points I would like to raise are these. No. 1. If a municipality embarks upon a programme of arena repair using the funds allocated in the vote, quite often it finds it suitable to use volunteer labour in order to meet the financial commitment which is called for under the Act but those people who are involved in that volunteer labour are not covered by Workmen's Compensation insurance, nor are they covered by any kind of insurance from the ministry. In most cases, the municipalities are finding that the insurance provisions in place at the present do not cover people who might be employed on a volunteer basis to fix arenas to comply with the Act.

Because this is of a general nature and runs across the province, I think there should be some sort of policy taken out by the Wintario people so that when a municipality is participating in this kind of programme and volunteer labour is called for the workers are covered under this particular Act in some fashion.

What happened in my own local area was that the municipality was held up for about a week and a half in making its repairs as a result of not being able to arrange this kind of insurance.

Mr. Conway: Gets him re-elected.

Mr. Moffatt: I think that could be done and people in the minister's office think it could be done but it hasn't been done. I would ask that when these kinds of projects are embarked upon in the future, we look at that aspect of it as well.

I think one of the other things which needs to be corrected in this whole business is that Wintario or your ministry, however it's done, needs to be a little more adept at making those initial commitments to municipalities when they are first exploring the difficulties they get into with such activities as repairing an arena which has been deemed to be below the standard of the building code. What I think needs to happen is that there should be a written commitment from Wintario which will give those people the necessary support as soon as the problem is deemed to be one of urgency. What we had to do was call a series of public meetings, write back and forth, approach people and while the staff people in your ministry are always very co-operative, it always took two to three weeks simply to set up that initial meeting.

I would think that if we're faced with this kind of situation again, at the same time as the order to close the arena goes out, there should be a very specific statement from the ministry indicating the amount or degree of participation that your ministry will embark upon in order to create confidence in the local municipality that the situation can be corrected.

Mr. Conway: Moffatt for president.

Mr. Warner: Well done.

Mr. Conway: Great man. You'll be the leader some day.

Mr. Moffatt: Be careful, Conway.

Mr. Gaunt: I have a few brief comments. As you know, I was one of those people who was rather critical of the programme undertaken by the Minister of Labour and I was critical on the basis of how the ministry went about handling this entire matter. Certainly, I recognize, and anyone recognizes who stops to think about it for a moment, that these buildings have to be safe. They're public buildings. They're occupied by young people and old people on many occasions and they have to be structurally safe.

I think there is a distinction between being structurally safe and meeting requirements which, in the judgement of many people who know much better than I, are overbuilding requirements. The fact of the matter is that in many cases the ministry looks upon the standards under the National Building Code as firm requirements whereas many engineers tell me that the National Building Code requirements are simply intended to be guidelines only.

What the ministry has done is go out and require engineering reports from all of these communities which have arenas. If those buildings don't come up to the absolute standards as indicated under the National Building Code, then the ministry says that changes have to be made; hence the need for the additional funds under this particular vote.

All I'm saying to the minister, and more particularly to the minister's colleague, the Minister of Labour, is that I think it's a case where the bureaucrats have become a little too zealous in their application of the intent. It seems to me that the building code is nothing more than a guideline. What one is going to encounter from time to time is that when the building code standards are changed, we enter into a completely new round of additional and more onerous requirements. Under those circumstances, I say to the minister, we're really going to be encountering this kind of thing periodically, perhaps every five years or so. Really, I don't think that should be the intent of the ministry or the government.

What we want to do is make these buildings safe for public occupancy. We don't have to have them so strong that you can ride a Sherman tank over the roof or be unrealistic about the requirements. If one is building a new arena today, fine, have it meet the requirements of the National Building Code. But buildings which were constructed 20 years ago surely don't have to come in for retroactive application of the National Building Code, which is precisely what you're doing in these cases.

The only other comment that I would make—and I'm buttressed in this by my colleague from Wilson Heights (Mr. Singer)—is that the government doesn't have the legal authority to close these arenas. It is running a bluff game on this score. I suggest that it doesn't foster goodwill in the communities when the government comes in and really doesn't have the legal authority to do it, but does it anyway.

I say to the minister that with the hospital experience and now with the arena experience—

Mr. Singer: Not to mention the constitutional experience.

Mr. Ruston: Nine-zip.

Mr. Gaunt: Surely one of these times the government will learn a few lessons along the way.

With respect to the additional moneys that are requested under this vote, $6.178 million, I certainly would support that expenditure. I'm glad to see the minister making use of that money in the way in which he's doing it. I would ask a further question of the minister—I think he's anticipating me—how are we coming along with the situation in Seaforth? With those comments I'll sit down.

Mr. Germa: Mr. Chairman, my riding was one of those communities which was struck like a thunderbolt when we found out that these beautiful arenas that we had become accustomed to were being condemned. A public meeting was called in the little town of Copper Cliff and, make no mistake about it, all hell was breaking loose. These people, who since 1935 had become accustomed to this arena, were really disturbed that it would have to be razed to the ground after estimates were obtained which indicated that the cost of repairs would exceed the cost of new construction. The building today has been razed to the ground.

An interesting thing happened, however; and I don't know how it happened. The arena was originally built in 1935 by the International Nickel Company; it sat on International Nickel Company ground. Two or three or four months prior to this thunderbolt striking Ontario, the International Nickel Company had gone to the mayor of the city

of Sudbury and said, "We want to give you our arena." The mayor, a very astute person, despite the fact he is a Tory, looked this gift horse in the mouth. He said, "Why would International Nickel Company want to give me this arena?

Mr. Conway: He wasn't very astute.

Mr. Germa: He found out two or three months later. I have been wondering ever since how the International Nickel Company found out that you people were going to come in and condemn their arena.

Mr. Gaunt: Ah, they have a real in.

Mr. Germa: That was the situation at the public meeting. Since that time, I understand the transfer of property—maybe the minister can inform me—the transfer has taken place, the arena has been razed and moneys are forthcoming to construct a new arena in the town of Copper Cliff. I would just ask the minister what kind of moneys are involved. Does the municipality of Sudbury now own the site? I understand 75 per cent of the cost of the new construction is going to be paid provincially—50 per cent from your ministry and 25 per cent from some other ministry. I am just asking whether all things are in place. Are all signals go? How many dollars are involved in the new construction in the town of Copper Cliff?

Mr. Angus: Just one question to the minister: I'm wondering whether there is any money in this vote to purchase the shares of Thunder Bay Ski Jumps Limited?

Hon. Mr. Welch: Mr. Chairman, the answer to the last question is no. The answer to the question from the member for Huron-Bruce, particularly with respect to Seaforth, is that we had a very fine meeting at which he was present. We felt under the circumstances that if the town of Seaforth, in consultation with its engineers, could take a look at its report and particularly relate those aspects of the programme it presently has under tender to the Ministry of Labour requirements for building, we would in fact take another look. We are waiting to hear back from them officially with respect to that.

Mr. Gaunt: You haven't heard from them?

Hon. Mr. Welch: No, not on that particular subject.

To the member for Sudbury, I don't have all the particulars here with respect to that specific site. I am advised that the transfer of ownership is in fact completed, and that the property now is in the ownership of the municipality, and certainly it would qualify for this programme. I would be glad to provide him with complete particulars in so far as that programme is concerned.

Vote 2806 agreed to.

Mr. Deputy Chairman: This concludes the supplementary estimates of the Ministry of Culture and Recreation.

SUPPLEMENTARY ESTIMATES, MINISTRY OF THE ATTORNEY GENERAL

On vote 1202, administrative services programme; item 1, programme administration:

Hon. Mr. McMurtry: Mr. Chairman, the item with respect to these supplementary estimates is in the amount of $5.4 million and represents additional funding requirements to the Legal Aid Plan.

It is as a result of changes in the volume and average value of payments to Legal Aid solicitors. The increase in the number of accounts was in the area of $13,000 plus and the average account over some 65,700 accounts increased by $27. This is how the figure of $5.4 million is made up.

The average cost increase in the legal accounts was caused mainly by a larger number of complex criminal trials.

Mr. Conway: Lawyers making a killing.

Mr. Lawlor: Obviously the Attorney General doesn't trust my ability to complete the remarks within three minutes. I think it's just possible we can do so. We anticipated these particular votes. We are wholly in favour. I simply want to take one moment to commend the Attorney General upon the highly diplomatic, almost exquisite statesmanship of his appearance before what would otherwise have been a fairly hostile body a week or two ago at OISE, on a Saturday, with respect to Legal Aid and to individuals in paralegal work, et cetera. You've made a very auspicious—you might even have possibilities as a politician eventually.

Mr. Moffatt: A successful one.

Mr. Lawlor: In any event we give our accord to Legal Aid and you well know it.

Mr. Roy: I'd like to say on these estimates how pleased I am—I'm sure the Attorney General is as well—to welcome the member for Lakeshore back. We must say that the rest or whatever medical assistance he received certainly seems to have been salutary.

Any time we can have him on his feet for only three minutes I think—

Hon. Mr. Welch: He made a brief one.

Mr. Moffatt: Follow his example.

Mr. Roy: I'll follow his example. I agree with the member for Lakeshore that we anticipated these amounts.

In the future we hope to have some statement as to some of the decisions which are going to be made in Legal Aid on tightening it up. We made suggestions, as you recall, during the estimates and we'd like to see some of these brought forward. I think there are still constructive ways of making the plan more efficient; maybe stopping a few abuses here and there. There have been not only suggestions by some of the lawyers, but by some of the individuals, the accused and so on.

The last thing I'd like to say is that as a lawyer, I have no qualms whatever in supporting this vote. After hearing some of the moneys that went to the doctors, I hear from the estimates recently—

Interjections.

Mr. Roy: My God, we're puny amateurs in this game.

Interjections.

Vote 1202 agreed to.

Mr. Deputy Chairman: This completes the supplementary estimates of the Ministry of the Attorney General.

On motion by Hon. Mr. Welch the committee of supply reported certain resolutions.

Report agreed to.

BUDGET DEBATE

Resumption of the adjourned debate on the amendment to the motion that this House approves in general the budgetary policy of the government.

The House recessed at 6 p.m.

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No. 128



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Evening Session

Speaker: Honourable Russell Daniel Rowe
Clerk: Roderick Lewis, QC

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LEGISLATURE OF ONTARIO

The House resumed at 8:05 p.m.

BUDGET DEBATE
(continued)

Mr. Speaker: When we rose at 6 o'clock, we had called the order of budget debate. Do we have a speaker? The hon. member for Windsor-Walkerville, I believe, was in the midst of his remarks. He may continue.

Mr. B. Newman: Mr. Speaker, I would like to continue the remarks I originally started in the month of November. Here it is December and I am still on my feet making these comments.

Mr. Ruston: I didn't know you were so long-winded.

Mr. Deans: I am surprised you could stand that long.

Mr. B. Newman: I attempted in my earlier remarks to point out to the members of the Legislature the inequities of the provincial grant structure as it applies to the city of Windsor—

Interjections.

Mr. B. Newman: —and I had asked for fair and equitable treatment for the Windsor taxpayer. Quite often it is said that we are in an advantaged position in comparison to other municipalities in the province of Ontario with approximately the same type of population.

Mr. Ruston: The advantage is we don't have any Conservatives in Essex county or Windsor.

Mr. Hodgson: That is a disadvantage.

Mr. B. Newman: We are not advantaged at all as far as the grant structure is concerned. Otherwise I wouldn't be on my feet at this time attempting to point it out to the hon. members who are in this Legislature at the present moment. We are requesting that the government take a good serious look at the information the municipality has provided to the Ministry of Treasury, Economics and Intergovernmental Affairs in relation to the resource equalization grant and the general support grant. Referring to the grants and comparing London, a municipality of approximately the same size, to Windsor we find that in 1974 Windsor was in a deficit position to the extent of $3,245,000. In 1975 the loss on the combined resource equalization and general support grants, was $4,100,000. In 1976 the loss on the combined resource equalization grant and general support grant was approximately $4,900,000. We don't say that London should not receive what it has received. We don't ask for any cut backs. We simply ask that we be treated in exactly the same fashion.

In the three years there was a difference of approximately $12,245,000. That is not fair to the citizens of Windsor, in my estimation. The figures provided to me and the brief presented to the government clearly indicate that discrepancy. We would like the ministry to take a good serious look at the figures presented and adjust both the resource equalization grant and the general support grant so both communities are treated in exactly the same fashion.

I had also asked that legislation be introduced so that the third level of government which is not covered under an election expenses Act be so covered. We have the federal legislation, we have the provincial legislation; now we need legislation that would cover municipalities. In this way we would take the idea of raising funds out of the closet and put it on the table and everyone would be able to know just exactly the amounts of money that were received and spent. Personally, I would like to see limitations put on that—

Mr. Samis: A bill was passed on that some time ago.

Mr. B. Newman: You may come along and say that you have passed a bill. The city of Windsor has passed a resolution which I read into the record quite some time ago, so you can see that it is a very progressive community—

An hon. member: Don't say that word.

Mr. B. Newman: —progressive to the extent that they can foresee needs and don't

hesitate to express the needs for justice and equality.

I also had commented on the price of home heating fuel and how it will and does adversely affect those on limited incomes and those on fixed incomes. At that time I attempted to point out a plan that is being used in some of the jurisdictions to the south of us. For example, the state of Michigan right now has a proposal that has been introduced by the chairman of the Michigan Public Service Commission, a gentleman by the name of William Rosenberg, which would provide relief or assistance as far as fuel bills are concerned to approximately 350,000 Michigan families—families that really need assistance, and because of having to pay higher fuel bills are lowering their standard of living.

Under the Rosenberg proposal, the family utility bills would have to be at least equal to 10 per cent of the family income to be eligible. If they were over 10 per cent of the family income, then they would be eligible for some type of assistance from the state. It sort of parallels the programme that they have concerning food stamps. However, they put the limitation on this that it applies only if your utility bills go over 10 per cent of your family income.

What would happen is, vouchers would be issued in the name of the eligible recipient and he would be able to use these in the payment of his fuel bills. They would not be transferable at all. The individual on fixed or limited income would not be as adversely punished as he is today when fuel bills continue to escalate.

I am not saying we should implement the proposal, but I think we should be looking at the proposal. If it has merit or if it needs refinement, then maybe we should be refining these proposals so we can introduce something that could alleviate suffering for the categories of individuals that mentioned.

One of the other topics I did cover was voting rights for the handicapped. The handicapped in a lot of municipalities now can only vote in the advance poll, where they generally find the polling subdivision on a ground level, with no need for climbing upstairs or walking downstairs into basements and so forth as in the case when polls are set up in ordinary residences. I think we owe it to the handicapped to provide them with the opportunity to vote without any physical punishment to them. That's the least we can do for them. I know municipalities attempt to find homes, schools and churches on one level so that those who are handicapped, and even those not actually handicapped, don't have the difficulty of climbing up and own stairs. It's a very simple thing to implement and I think we certainly should implement it.

[8:15]

I would also make a recommendation that any time we have an apartment, regardless of whether it is for senior citizens or otherwise, once it surpasses a certain number of units and a certain number of residents, the polling subdivision should be located in that apartment or apartment complex. For example, in my own area, there is an apartment complex put up by Ontario Housing that consists of approximately seven or eight buildings. I would see nothing wrong at all with having seven polling subdivisions, one in each of the buildings. After all, we want to encourage people to vote; we don't want to make it difficult so they figure that, "Well, it's a little too difficult for me to go out. The weather is inclement," and so forth, when we can accommodate them by having them vote right in their own residence. That is especially true when it comes to complexes developed by Ontario Housing.

I also commented concerning the first annual report of the Ontario Advisory Council on the Physically Handicapped. I hope now the report is down that there will be some action taken by the government in relation to that report.

One of the items I also mentioned—and I think I concluded my remarks with it—was on providing safety certificates or markers to people-moving devices. I categorized elevators as a people-moving device. I also made mention of amusement rides in various amusement and exhibition parks. As long as they are carrying passengers and giving them some type of entertainment, the passenger should know when purchasing a ticket that that device is mechanically safe. We would not have had the episode that we did have on Bob-Lo Island in the past year. It involves a very simple application of inspection, where the licence or the inspection safety certificate is posted right at the booth where one purchases the ticket, so that a person purchasing a ticket can readily see the device that he is going to be entertained by is safe and he will not hesitate to enjoy himself.

One of the topics that interested me very much over the past week was the one on the extent of marsh land in the Essex, Essex-Kent and Lambton county areas in

southwestern Ontario. We happen to be in the duck-hunting season at present, and while there are all kinds of marsh land around—

Mr. Haggerty: But no ducks.

Mr. B. Newman: — and all kinds of ducks there is no place really for the average hunter to hunt. It's sort of like starvation amidst plenty. There are probably more waterfowl hunters in southwestern Ontario with less available space for hunting than anywhere in the province. Yet there are an estimated 200,000 acres of marsh land considered to be the home of the best waterfowl habitat on the continent within one hour of most of the hunters. But the majority of the acreage unfortunately is privately owned and off limits to the average hunter. It is privately owned in spite of the fact that there are approximately 200,000 acres.

Sellers of migratory game bird permits in our area say there are approximately 4,000 sold throughout Windsor and environs for this year's hunt alone, and the hunting season closes on December 15. Yet in spite of the fact there are 200,000 acres, most of the acreage is in hands of private individuals and/or companies.

Mr. Bain: Are you against free enterprise?

Mr. B. Newman: The prime waterfowl hunting areas in southwestern Ontario are found along the St. Clair River, Lake St. Clair, Fighting Island, the Detroit River, Rondeau Provincial Park and along the shores of Lake Erie, including Point Pelee and Holiday Beach. As I mentioned earlier, there are estimated to be approximately 200,000 acres. But of all of this vast acreage, extending from where the Thames River empties into Lake St. Clair at a place called Lighthouse Cove, going right around to Rondeau park, there are 21 different parcels of marsh, all privately owned, including 17 owned by American interests. Of the 21, there are only four that are owned by our own people. And, Mr. Speaker, you know what happens when a Canadian wishes to hunt on the limited area that is left.

Mr. Gain: What's the solution?

Mr. Cunningham: Buy it back from the socialists.

Mr. B. Newman: On both the north side of Essex and Lambton and the south side of Essex and Kent counties, we find that our American friends have practically monopolized all of the acreage. They have it all posted: "Keep out." If you have the proper connections, "keep out" means nothing at all, because you can be hunting in the private area. But the average hunter—and, as I mentioned earlier, approximately 4,000 hunting licences are sold in the area—is extremely restricted when it comes to duck hunting. Four out of 21 areas are owned by our own people, and the average hunter is left outside completely.

Here is how some of these areas are located and what they have around them. You will find high fences, sometimes barbed wire fences, surrounding these private marshes.

Mr. Haggerty: That sounds like down in Erie.

Mr. B. Newman: What you develop there is a hunter's paradise for the select few.

Mr. Samis: Is that a new Liberal policy?

Mr. Kerrio: The Tories changed that in 1941.

Mr. B. Newman: It is estimated that there are more ducks in that area than there are in any other part of the province of Ontario.

Mr. Warner: That's because there are no hunters.

Mr. B. Newman: There are probably more hunters but they can't get to the places where the ducks can be shot, simply because the properties are all owned by private interests.

In one of the private areas you will find a plush hunting lodge with a stone fireplace, liquor cabinet, people to help you clean the game—

Mr. Ruston: That sounds like Makarchuk's lodge.

Mr. Deans: Is that the one you attend?

Mr. B. Newman: —guards to patrol the area and to guarantee privacy to the hunter.

Mr. Bain: What's the solution?

Mr. Ruston: Just a minute and you'll hear it.

Mr. B. Newman: All I can say to the last member who spoke is that a hollow log makes the most noise.

Interjections.

Mr. Speaker: The hon. member for Windsor-Walkerville has the floor, please.

Interjections.

Mr. Speaker: Order.

Mr. B. Newman: It is said that they even have their own hunting dogs so that the poor fellow who comes from across the border doesn't even have to retrieve anything.

Mr. Deans: I have my own hunting dog.

Mr. Peterson: Is it grey and curly?

Mr. B. Newman: One of the areas has an off-duty out-of-uniform OPP officer patrolling the marsh to keep out our own residents of the province.

Interjection.

Mr. B. Newman: To control the marsh levels, they have become really sophisticated by having water pumps so that the levels are all controlled. There are private driveways with gates which lock automatically once the individual in a car passes a certain point. This is all to keep the residents of Essex, Kent and Lambton counties away from the area so they cannot hunt at all.

Mr. Deans: Let's take it over.

Mr. B. Newman: I think it is time that the government looked into the marshland situation in the tri-county area to see if it cannot either have some type of a programme to buy them out—

Mr. Warner: Public land ownership.

Mr. B. Newman: —or at least lease or rent the land so that the resident hunter from the tri-counties has the same opportunity to duck hunt—

Mr. Bain: What happens if the owner doesn't want to lease?

Mr. B. Newman: —the select individual who belongs to some exclusive club or corporation across the river from Essex or Lambton counties.

It is something I bring to the attention of the government, hoping that the Ministry of Natural Resources will look into it so that at least we can have some duck-hunting within an hour's drive for the residents of the tri-counties.

To have proper development in a municipality and in a given area, it is quite essential that some of the problems of the area be studied in an attempt to alleviate them. I would suggest to the government and I hope it realizes this, that railway relocation is an area which both the provincial and federal governments have to look at a little more seriously. It is a joint venture on the part of both governments. The province of Ontario designates the areas which require railway relocation; the federal government provides the financial wherewithal.

I think we could have more orderly development in a community; we could have better location of industry; we could have less disruption in the residential areas if studies were initated and, as a result of these studies, railways were relocated in more fit and proper locations with the least disruption to the movement of traffic within a community.

In some communities we need not worry about the problem and build expensive overpasses and/or underpasses instead. That is far too expensive and not the solution to the problem. By relocating the railways coming into and leaving a community we can save the expense of construction of under and overpasses, facilitate the movement of traffic and locate industry better throughout an area.

I would strongly suggest that one of the prime areas in the province which should receive consideration from this government is the Windsor and Essex county area. We are the entrance for the heavy tourist traffic which comes to the province of Ontario. Let's eliminate the bottlenecks and let's have the tourists coming into the province be impressed with the orderliness and ease of movement provided by a given community.

[8:30]

I did have an opportunity, not too long ago, to attend hearings of the Canadian Railway Transport Commission in the city of Windsor. They held hearings simply because Canadian Pacific, in their own wisdom, decided all of a sudden they were going to triple track a railroad track extending approximately two miles in a residential section, without any environmental impact studies, without any consultation with the residents in the area, and without any approval from the municipality.

Simply because they owned the property and the right of way, they completely disregarded the municipality, the public and the residents in the area. They became a power unto themselves and decided they knew better what the city needed. They were not triple tracking for the benefit of the residents of Windsor, but simply to accommodate traffic that was coming from the United States, passing through my community either on its way into parts of Ontario or through to Niagara Falls and Buffalo and continuing into the United States. CP were doing it for an American railway.

Even though we do have legislation, we have to see to it, in consultation with our federal government, that regardless of whether the agency is a federal agency or not, before they can do anything that is going to disrupt and interfere with the use and the enjoyment of one's property, one's castle, that that federal agency and/or provincial agency or municipal agency should hold environmental impact studies, should go to the people, should explain everything and should get permission to construct anything that can, after being constructed, be to the detriment of the individual in enjoying his property or his castle, so to speak.

I think it was extremely unfair on the part of Canadian Pacific Railway to treat the residents in the area in the fashion they did. Thankfully, the hearings of the Railway Transport Committee ruled against Canadian Pacific, and as a result they were denied the use of two tracks but allowed to carry on on the one track which had been in the area for years and years and to the use of which the residents in the area registered no objection.

How would you like, Mr. Speaker, to be living in a fairly good residential section and have parked next door to you a series of refrigerated cars with gasoline motors running all night, especially in the summer months, polluting the atmosphere with both noise pollution and fumes from the gasoline motors? Yet CPR thought nothing of doing that. I was very pleased that the Canadian Railway Transport Committee did just exactly what they did do—denied them the use.

Mr. Speaker, the arrogance of CPR—and you probably know about it from your own personal experience—is unbelievable.

Mr. Samis: Tell them about it, Jack. The resident expert.

Interjections.

Mr. Deputy Speaker: Order, please.

Mr. B. Newman: Mr. Speaker, will you bring the gentlemen to order?

Mr. Deputy Speaker: Will the members stop derailing the hon. member for Windsor-Walkerville?

Mr. Ruston: He's going to get off the track.

Mr. B. Newman: Mr. Speaker, back in 1966, I raised the question of asbestos in the House, it being cancer-producing.

Mr. Haggerty: One of the first members to raise it.

Mr. B. Newman: In fact, the first time it was ever discussed in the House was on March 7, 1966. The first comment I made in asking a question of the Minister of Health at that time, Hon. Matt Dymond, referred to "press reports that asbestos is a health hazard linked to cancer." Health agencies in both the United States and Canada knew of this a little over 10 years ago, because that was March 7, 1966.

I again raised this same issue in June 15, 1971. We didn't pay attention to it at that time. As a result, we find ourselves today in the most embarrassing position of finding out that asbestos can cause very serious problems and having to impose all kinds of new environmental requirements upon various types of industry.

I make mention of that, because the next thing I want to bring to the attention of the members of the House is the use of high-tension lines and the radiation effects of high voltages.

Mr. Foulds: When did you first raise swine flu?

Mr. B. Newman: We have belittled this. I can recall raising this with the then Minister of Energy—in those days it was the current Treasurer (Mr. McKeough)—

Mr. Deputy Speaker: That is called the corona, I believe.

Mr. B. Newman: I don't know the name of it, Mr. Speaker; you may be absolutely right in what you say. But in raising the thing, it was sort of pooh-poohed at that time. Maybe there is no danger as a result of this, but I was told exactly the same thing when I raised the issue of asbestos, that there was no health hazard with it.

Do we know that there is no health hazard as a result of this? We've heard of the problems in the Soviet Union, where the throwing of some type of an electronic beam affected the officials and employees in the American embassy. Are we not being confronted with a similar problem now by the radiation effects from the high voltages that are carried by our overhead transmission lines?

I am not going to read the comments or press reports about this, Mr. Speaker. I bring this to your attention so that the ministries will take a serious look at this. We don't know whether there are cumulative effects as

a result of this exposure. If there are cumulative effects, we find out five, 10, 15 or 20 years later when it is too late. I certainly hope that someone in the government will look very seriously at this in an attempt to let us know at this time if there isn't a better or safer way of transmitting energy.

We are always looking for new methods of cleaning our waste waters. There is experimentation going on in parts of the United States and primarily in the universities. Southern Illinois University at Carbondale has developed a new water treatment mode; the idea of its use is not new, but the variations they have made make it much better than anything they have had before. They use what is called sonocatalytic ozonation; the process converts organic wastes into carbon dioxide and water and produces no known toxic results, whereas our present method, the use of chlorination of waste water, we know in some instances forms chlorinated hydrocarbons which become hazardous and are cancer-causing.

The laboratory tests in this instance are using a combination of air, ozone and ultrasound. In this way the catalyst that is also used, iron oxide, results in efficient destruction of all viruses and bacteria and organic compounds in waste water. I don't know if such a process would be expensive or not, but you see that this is actually being done, at least on an experimental level, and has proven to be extremely efficient and effective.

Another item I wanted to raise is the new chemicals that are being put into use all the time. This is one that some may be familiar with, it's called TCDD. They don't give it a name, they use four letters of the alphabet: TCD and D. It is such a chemical that one billionth of an individual's weight of that chemical—in other words, if a person weighs 140 pounds, one billionth of 140 pounds of that chemical, such a minuscule dose, will kill one. In one of the cities in the United States—Verona, Missouri—they happen to have a tank with 4,500 gallons of the chemical. They don't know what to do with it. They don't know how to dispose of it. It's there. No one wants to have anything to do with it.

You see, we've reached the stage of sophistication in the chemical manufacturing processes, that we can develop and produce the weirdest types of chemicals without knowing what after-effects the use of that chemical can have. That chemical, they claim, is linked with and is similar to the one that was used in Italy. I can't recall the name of the town, but I think it was Seveso, in Italy where, as a result of the exposure of that chemical in the area, they've had to move all of the people out and no one can come back into the area as yet. They've completely barbed-wire fenced the area and from what I understand that was approximately five or six months ago.

So you can see, Mr. Speaker, that we're fooling around with chemicals today, not realizing what we are doing. There doesn't seem to be any type of agency in any jurisdiction to whom the manufacturer of a chemical is submitted so that it can be tested before it is ever produced in quantity or marketed. We're going to have to have a really close look at the manufacture and the production of all of these new, weird and unusual chemicals.

The Blair commission held hearings in the community—but they held them at the University of Windsor at the time there happened to be a strike going on in the university. That didn't disturb them at all; they still went on with the hearings. I wanted to go and listen to the hearings but I wasn't going to cross any picket line because I knew the employees at the university had a just cause and a just reason for picketing the university at that time and so I absented myself.

[8:45]

I contacted the Blair commission here in Toronto and told them about it.

In my estimation, knowing that there was a picket line around the university and at all entrances, the least they could have done was move the hearings to some other location in town. To me it should have been at the Cleary Auditorium in the community so that those who refused to cross the picket line would still have had the opportunity at least to hear and/or to make presentations to the Blair commission.

Unfortunately, the Blair commission did not look upon it in the same way as I did. They carried on their hearings. The hearings may have been successful, but I am fairly positive they would have been by far more successful had they been heard in a location which was not being picketed at the time as a result of a labour dispute.

Mr. Ruston: They came back last week and had another meeting in Essex.

Mr. B. Newman: I hope that some of the recommendations and suggestions the government has in budget paper E, which was presented to us as a result of the 1976 budget,

are completely discarded. I am really surprised to think that—

Mr. Ruston: The member for London North is looking up. Remember the budget?

Mr. B. Newman: —the government would come along and consider taxing churches, retarded children's schools, and private schools in a community. It wants to tax all these types of institutions and then to tell them, "Go back to the municipality and get a grant in lieu of taxes." The government takes and then hands back rather than leave alone the institution which is providing a good community service. We can imagine how much furore that caused in the community—probably much more so in my community than in the minister's community but only because of numbers. I thought the Blair commission and this government proposing to tax churches, schools and charitable organizations—

Mr. Ruston: Tom Wells.

Mr. Peterson: Golf courses.

Mr. B. Newman: —was completely out of line. I hope the government in its wisdom—

Mr. Yakabuski: This government didn't recommend it. Take that back; don't mislead the House.

Mr. B. Newman: —discards many of its own suggestions and recommendations.

Mr. Yakabuski: That's misleading the House. It was not recommended by this government. What the Blair commission said and what this government does are two different things.

Mr. Ruston: The Treasurer read them over.

Mr. B. Newman: I have a copy of table E here and those are all the proposals of this government. There is no way of getting around that at all. They were all the government's proposals.

Mr. Bain: Anti-church.

Mr. B. Newman: They were all of the things—the government used the Blair commission as a scapegoat.

Mr. Cunningham: You hung old Willis.

Mr. B. Newman: I could talk on mobile housing, the need for more mobile housing and the development of mobile housing not only in the rural areas in the province but even in some of the larger metropolitan areas.

Mr. Peterson: At King and Bay, for example.

Mr. B. Newman: I don't think it's an answer to our housing problem but it is a short-term solution; a short-term partial answer to a problem. We have to look at mobile housing a little more seriously than we have in the past. It's ideal housing for two occasions in an individual's life—when he or she is first married and when he or she retires. It can be used comfortably at those times.

When there is a family, it is not the ideal type of housing, not that there is anything wrong with it but I think the individual would prefer to live in regular accommodation rather than a mobile unit. It is a partial answer yet we completely neglect mobile housing when we attempt to resolve the housing problems in the province.

Mr. Kerrio: You have given the NDP 10 more years of issues.

Mr. B. Newman: There are many other topics I could raise. I really didn't intend to speak as long as I did—

Mr. Ruston: You can go on until January. You started in November.

Mr. B. Newman: —when I hear some heckling from my colleagues to my right, then it only encourages me to keep talking. As I said earlier, I started in the month of November and here it is September—

An hon. member: December.

Mr. B. Newman: December. I thought I went right around. I think I may have spoken long enough.

I hope the suggestions I have made and the topics I have raised in the course of the few minutes at my disposal are looked upon seriously not only by the government but also by our colleagues to our right, because more than likely in a year or two many of them will be saying exactly the same things that have been said by me here today.

Mr. Haggerty: Mr. Speaker, I want to enter the budget debate to discuss some of the problems that are rather important to me and perhaps to a number of citizens across this province.

The introduction of the television cameras into the Ontario Legislature seems to have been a signal for the members to be subjected to frequent replays of policy statements—in particular, the Treasurer's ongoing performance of prophesying Ontario's future. Some of his scripts have been of little

value, reminiscent of the old-movie rerurns on television, such as Gone with the Wind, and we all know how that love story ended.

On November 23 we were subjected to the Treasurer's so-called economic strategy statement. This had been billed in advance as a major financial statement, and was in fact nothing more than a rerun of the Treasurer's budget speeches of 1975 and 1976—a forecast of an improved economy for Ontario citizens, a prophecy made in spite of the fact that the hopes of a bright future for employment have not materialized since the employment situation started on the downswing in 1974 and has continued since.

The Treasurer's economic strategy for the year 1977 is a typical Tory approach, a waiting and baiting game at the expense of the taxpayers of this province. I suppose one could say the Treasurer at least is consistent in his crystal ball predictions of early recovery from Ontario's economic problems and high unemployment. However, we in the Legislature know full well that unemployment is well above the acceptable level. For example, in the town of Fort Erie in the riding of Erie, with a population of 23,000, almost every industry has cut back on production and employment. It's estimated the unemployment figure in this municipality is 22 per cent. Ontario's unemployment is at an all-time high which no doubt will run close to eight per cent.

This doesn't seem to be in accordance with the Treasurer's forecast in the budget speech last April 14 that there would be something like 116,000 new jobs this year. "The Ontario 1976 budget is a responsible document," he said, "which will make a forceful contribution to the national economic stability." One might say it's been stable ever since; there hasn't been any increase in jobs.

The Treasurer's statement appears to have little prospect of success. Let's consider his announcement that he will extend the existing exemption from the seven per cent retail tax for production machinery and equipment, which would have been discontinued at the end of the year under present legislation. Apparently the Treasurer believes that extending this privilege of sales tax exemption is a good way to stimulate investment in Ontario and create jobs. Yet he knows only too well that in many instances machines will actually reduce employment opportunities, although improved technology will be the key to increased productivity.

Similar policies by the government have led to considerable debate in the Legislature, with many opposition members doubtful about the job-creating merits of tax incentives for industry. In the past, in the budgets for the years 1975 and 1976, the Treasurer has indicated to us that such a programme of tax exemption would play an important part in stimulating Ontario's lagging economy and would speed up growth in industry. Unfortunately, the Treasurer's forecasts have been as accurate as some weather forecasters on television; a probability of overcast with rain, a mixture of sunshine and a high and low temperature ranging from 85 to 55.

Mr. Ruston: And always a shortfall.

Mr. Gaunt: He just can't miss.

Mr. Haggerty: Can't miss. In 1975, the Treasurer's Ontario budget was predicated on such an assumption; in fact, its main thrust was that there would be an upswing in the economic recovery by the end of the year. The province's economy was in trouble and the Treasurer in that year introduced not one but two budgets—one in April and one in July. We were told the government was concerned about excessive inflation and growing unemployment that had continued from the previous year, 1974, and it seemed that a recording of government priorities was necessary.

How well I can remember and how well we can all remember the Treasurer's measures to stimulate the economy: the first-time home buyers grant, the temporary sales tax reduction, the automobile sales tax rebate. Whether these measures stimulated the economy or not is open to argument. They certainly resulted in a loss of provincial revenue to the tune of about half a billion dollars. The Treasurer's own estimate of the increased revenue to result from the increased OHIP premiums is $228 million for this year. Yet if nearly half a billion dollars hadn't been lost to the Treasury because of the election goodies, this OHIP increase could have been postponed for a year and possibly two.

During the election campaign, the Conservative candidates boasted there had not been an OHIP premium increase for at least five years, despite inflation. However, once the election was safely over, the Treasurer wasted no time in increasing the medicare premiums to double or 50 per cent.

To return for a moment to the subject of the retail sales tax. I would just like to re-

mind the House that when the three per cent sales tax was first introduced in 1961 we were given to understand it would only be a temporary measure. That was some 15 years ago—15 years during which the tax has risen from three per cent to seven per cent. If 15 years of sales tax is considered a temporary measure from this government's financial standpoint, then surely a two per cent reduction in the tax for a matter of months can hardly have been worthwhile from a budgetary point of view. Yet the Treasury would expect people to believe that there was no political motive for this tax reduction which ended on December 31 of last year.

In his recent statement, the Treasurer stressed the need to help other industries compete. When is he going to stress the need to help the people of this province contend with the day-to-day difficulties of coping with inflation? Where's the help for the householder whose fuel oil has gone up from 27.5 cents a gallon in 1973 to 34.5 in 1974, to 41.5 in 1975 and 46 cents in the year 1976? Where is the help for the natural-gas user whose price has gone from 50.69 cents in 1973 to 140.5 this year?

What about the people faced with rapidly increasing hydro bills based on a residential rate which increased 10 per cent in 1974, 12.4 per cent in 1975, 22 per cent in 1976 and is expected to go up another 30.3 per cent next year? On the subject of hydro, the Treasurer directed Ontario Hydro to reduce its expansion programme by $1.2 billion, but this was really little more than a moratorium or a deferment on an expansionary programme. The net impact, of course, was that there was a slowdown in Ontario employment opportunities and still the rate structure was not yet within the guidelines of the Anti-Inflation Board.

With respect to oil prices, let's not forget the price of motor gasoline, with the price for regular gas going from 58.9 cents a gallon in 1973 to 83.9 cents this year. Car insurance rates have gone up something like 65 per cent since 1975. What help has the Treasurer given to the people hit by these inflationary expenses?

Let's not forget the Treasurer's proud finale in 1975 of the reinstatement of the higher rate of provincial sales tax at seven per cent from five per cent. That was something that was not discussed during the election campaign.

[9:00]

On November 23, 1976, the Treasurer took about an hour to announce just one tax change. Despite the fact that most Ontario industries are lagging behind in a competitive market, he talked vaguely about the increasing job opportunities. On the other hand, the new president of the United States, Jimmy Carter, is considering tax cuts to create more employment opportunities. Why couldn't the Treasurer take the opportunity of his economic strategy statement to announce measures to encourage investment in the housing market to facilitate the purchase of new homes and older homes, to put capital into the housing marketplace?

The solution of Ontario's housing problems is probably one of this government's greatest areas of failure. No attempt has been made to live up to the commitment to provide suitable and affordable housing for most of our citizens.

In 1974 the Ministry of Housing underspent its budget by $49 million. In 1975 the housing budget was underspent by $103 million for the two-year period. Remember the Throne Speech in 1972 when the government pledged further means by which housing construction could be encouraged? Yet to this date the government continues to underspend its allotment of both federal and provincial funds.

In the last 14 years house prices in this province have tripled. Comparatively cheap mortgage money under the federal Assisted Home Ownership programme is only available to people whose monthly payments are not more than 25 per cent of their total income, which means that the increased house prices have caused less than 30 per cent of Ontario families to be eligible for these advantageous mortgage arrangements.

According to recent information, the prices for basic three-bedroom homes on a lot in the Toronto, Hamilton and St. Catharines areas are approximately $69,000 in Mississauga, $55,000 in Hamilton and $48,000 in St. Catharines.

To take the Mississauga home, for example, we assume that at a 20 per cent down payment, the remaining mortgage would be $55,000 at an interest rate of 12 per cent. Always supposing that the average couple could find 20 per cent downpayment, think of the burden of $550 or so a month for principal and interest over a period of 25 years and in some cases, 50 years.

What hope has the average young couple in the Metro area of ever meeting this kind of financial commitment? Dr. Frank Clayton, president of a research company specializing in housing studies, maintains that the rapid rise in the cost of homes is caused by exces-

sive demand and insufficient serviced building lots.

What has the government done to make more reasonably priced serviced building lots available? Provincial housing initiatives have been so inadequate that the projected housing starts for 1976 and 1977 are well below housing needs. The present Housing minister has repeatedly indicated that he's not in the numbers game and will not state housing production targets. Well, taking into consideration past government mistakes and inaccurate projected goals I can well understand his wish not to stick his neck out. But his attitude offers no crumb of comfort to the people of Ontario who in recent years have seen the possibility of home ownership become an impossible dream.

During the last election campaign the Premier got into the act when he promised help with mortgage rates—a yearly allowance of up to $500 to reduce interest charges on residential mortgages over 10¼ per cent. He was hardly off the campaign trail before he abandoned the idea, if he had ever really seriously entertained it. The average home buyer is still faced with enormous initial capital outlay followed by years of slavery to crippling monthly mortgage payments.

As if the situation wasn't bad enough, the government has placed municipalities in a position where they are literally forced to substantially increase property taxes.

In the circumstances and in view of the fact that the government obviously has no really serious plans to improve the housing situation, I think it was unforgivable for the Treasurer to encourage people who could ill afford to do so to purchase homes to be eligible for the home buyers grant. Surely, if any government is really interested in providing affordable housing for the average wage earner in the $10,000 a year bracket, it would remove taxes which affect the construction industry and do something about reducing interest rates on mortgages or provide a significant income tax credit which could have the same effect.

If the provincial government can provide lower interest rates to general industry and to the tourist industry through the Ontario Development Corporation at an average of seven per cent or even interest free, something could be done to help prospective home buyers.

The Treasurer stressed private sector expansion in the 1977 economic strategy unveiled in the past week. He combines investment incentives with tough government spending restraints to provide a healthy climate for private sector expansion. The Treasurer is recycling his policy and his concerns for a self-contained budget prediction to date are negative. His stimulation policy in particular as it relates to long-term exemption from retail sales tax for production equipment has not been a creative tool to reduce Ontario's high unempolyment rate.

Unemployment is critical in Ontario and throughout Canada and both levels of government, federal and provincial, prolong this agony of economic recession. To sit tight and hope that there will be an upswing in the economy in the United States is wishful thinking. The provincial Treasurer has for two long years depended upon the American economy to bail him out of this continuing government employment crisis.

Our financial critic last April 14 perhaps put it in one paragraph better than I can, in relation to the Treasurer's provincial budget.

Mr. Ruston: Listen to this.

Mr. Haggerty: "His self-assurance, the slick presentation of the so-called facts, the smug satisfaction at the reduction of the deficit, the proud statement that no public borrowing would be required, all were quite impressive. As a theatrical performance it was well done, indeed. Unfortunately for the people of this province the Treasurer is a much better actor than he is a producer." I wonder if the member agrees with that now?

In his contribution to the Throne Speech debate, the Premier spoke—

Mr. B. Newman: You don't see him on the front row.

Mr. Haggerty: Perhaps he's embarrassed—of the fundamental public responsibility we all share in this House to serve the economic well-being of future generations of Ontarians. This House may share the responsibility but the Premier and his colleagues seem to go out of their way to ensure that we are unable to do anything about it. While he is formulating fine phrases about the welfare of future generations, he might perhaps spare a thought for the present-day difficulties of Ontario's people who are, on the one hand, faced with rapidly increasing expenses and, on the other hand, prevented from receiving catch-up pay increases by the provisions of the anti-inflation guidelines.

I remember in 1969 the former Treasurer, Charles MacNaughton, stated that this province faced a fiscal nightmare. It might be interesting to hear his views, his honest

views, on the situation today. In those days, we tended to think the term fiscal nightmare referred to the complexity of the province's financial situation.

Today, the short-sighted policies of this government have made absolutely sure that every taxpayer in the province knows exactly what a fiscal nightmare is all about. We may not all be financial wizards but we know all about inflation. We live with it; we struggle with it and we receive very little help from the provincial government in coping with it.

Interjections.

Mr. Ferrier: With that support from my caucus, I'm prepared to talk all night.

Mr. Peterson: Don't feel you have to.

Mr. Ferrier: Mr. Speaker, it's a pleasure to join this debate even though it's at a late hour in the parliamentary session. We expect it will be drawing to a close within the not too distant future and all will then direct their attention to the holidays.

Hon. Mr. Meen: Do you think we'll make it by Christmas?

Mr. Ferrier: I might keep going and maybe we'll let you go Christmas Eve.

Mr. Lane: Come on, have a heart.

Mr. Ferrier: I'm like the grinch that stole Christmas; a real cussed individual.

I'm very happy to see the member for Timiskaming in the chair as I begin my remarks. We are very happy to have you make your very significant contribution. I'm sure some of the things I will say tonight are thoughts that you have had; I know you have made representations on some of these subjects. I hope that the efforts of both of us perhaps will move that government over there to realize that northern Ontario is still part of this province and that some attention should be paid to a very significant problem that exists up there.

I would like to begin my remarks by saying that I certainly support my leader on the stand that he has taken on the Reed Paper issue. The company proposes to get limits of 19,000 square miles, considerably larger than any other limit ceded to any other company in this province. Furthermore, it's supposedly to supply one mill, whereas the next largest company with limits supplies several mills.

The ecosystem is certainly very fragile there, and one of the things that concerns me particularly is the Treaty 9 people who will be displaced if that were ever allowed to go ahead at the present time. I want to assure the people of Treaty 9, a number of whose head office people are in my riding, that I certainly am not in favour of the Reed development at this present time.

Mr. Haggerty: You are not sure now, Bill?

Mr. Ferrier: I'm not in favour of it at all, to tell you the truth.

Mr. Haggerty: The member for Lake Nipigon is.

Mr. Ferrier: I don't know whether the member for Lake Nipigon is or isn't. That's up to him.

Interjections.

Mr. Ferrier. This party realizes that there is a major problem there, and this party is pretty disturbed, as I think the people of Ontario are, particularly those in northern Ontario—

Mr. Reid: You are right; that party is very disturbed.

Mr. Ferrier: —at the lack of forest management in the province of Ontario over the last number of years. Year after year, as studies have been tabled and reports have been made. It was dramatically brought home to the members of this Legislature who went up to Thunder Bay in late August to meet with the Ontario Professional Foresters Association, that this province is in a very desperate state as far as our forest management and our future wood supply are concerned. Even as things now stand, a third of our forests are cut over each year and not being regenerated. They say they are doing about a third by mechanical regeneration and perhaps a third may be done by natural means but, year after year, at least a third is just being left there and is not being properly managed or nothing much is being done with it.

In northeastern Ontario our limits are pretty well all let out to various companies, and there are really no further supplies of wood available. If the government continues this mismanagement programme of our forests, the impact will be felt by the diverse industry base that we have in a place like Timmins, where the mines depend on some forest products operations such as waferboard from Malette's mill and E. B. Eddy to provide some alternatives and some other jobs. Those jobs won't be there a few years down the line. The prospects of our young

people, whom we hope to keep in the north by providing jobs and to build up the economy of the north, are being jeopardized by this lack of commitment by this government to an adequate and far-sighted forest management policy.

[9:15]

I think all of us pretty much resent the way our forests have been put in jeopardy by the past action of this government across the way. We would like to see some indication that this mismanagement is going to stop and that someplace along the line our future is going to be protected.

I suspect it is not going to be protected by that government over there. They have had reports telling them what to do since 1948 and the situation is the same today as it was then, only it's worse as far as our forests are concerned.

They talk about jobs in that area of northwestern Ontario. Certainly we are concerned about jobs, very much concerned. But I am going to make a proposal here tonight that I think will go a long way to providing some of those jobs, particularly in the Red Lake area. I would like to see Reeve Goodwillie be a good deal more aggressive in the field that I am going to make some comments about tonight and which would help his area a great deal. Until this point, I don't know that the people of that part of the province of Ontario have been very much involved.

I'm talking about the needs of the gold-mining communities of this province. I know the mayor of our city, Leo Del Villano, has certainly taken a very aggressive stand and has got a committee together representing the gold-mining communities of this country. They have gone to various communities to speak with the leaders; they have met with the people involved in the mining industry; they have met with people involved in the trade unions representing those miners; they have talked to financial people, and they have made representations to the federal government and to this government here. I happened to sit in on the representations that were made to the hon. Minister of Natural Resources (Mr. Bernier) by the gold study committee. They made a number of recommendations to this government.

The crisis of the drop in the price of gold has been brought about by the International Monetary Fund every six weeks selling a large part of its gold. That has had a real deflating effect as far as the price is concerned. This was a policy agreed to by the federal government, but the policy in its impact had its greatest and detrimental impact on the gold-mining communities of this province and of this country. It seems most unfair that those gold-mining communities, those miners, and those gold mines are the ones that have to bear all the brunt of that federal-government policy thrust.

Our provincial governments argue that they should have a say and full control, I suppose, over our natural resources. So when an industry is in jeopardy by a government policy, I think a provincial government has something more to do than just sit back on its hands and wait for something miraculously to develop. It may develop; it may not develop. I think we in this province and in this country must decide whether we want the gold-mining industry to continue in this country and develop a long-term policy to that effect.

I would like to remind you, Mr. Speaker, and the members of this House, that South Africa has a gold-industry policy, as does the USSR—the first and second largest producers with Canada coming in third. Why should we not develop a long-term policy? I know that the Ministry of Natural Resources has been reviewing the South African tax credit scheme to determine its possible application in Ontario. The Ontario gold-mining industry presented for discussion a proposal for loans for exploration and development as a means of sustaining the industry over the next four and a half years. The Mining Association of Canada has submitted a formal brief which recommends loans for exploration and development.

There are some who say that the gold-mining industry has had its day, and that we should let the industry die—that there's no demand for gold. Well, The Emergency Gold Mining Assistance Act, the programme that was carried out at the federal government level, was to assist gold mines and communities to phase out their operations. In fact it had some success in seeing that the producers were able to phase out. The producers have gone down very dramatically. But at current prices supply-demand analysis indicates that new production will be inadequate to meet commodity demand for gold without sales from government stock. So in the long term government stocks of gold will be required to meet growing demands. If there is any trouble in South Africa—and it appears that there might very well be periods of political instability there—there will be a greater demand than ever for Canadian gold. It seems reasonable that we should come up with some kind of policy to sustain our present gold mines.

Ontario has, according to the people who have studied this subject, the potential for becoming one of the world's lowest cost producers and for achieving substantial growth at forecast free market prices. It is interesting to note that there has been very little incentive for any gold exploration in the last 35 years. But this is not to say that there is not a good deal of gold available in some of the areas that have been the gold-mining camps of this province. In fact I am told that there are known ore bodies within the Timmins area and other areas where, if the government would declare some kind of a policy and give some indication that it wants the gold mining industry to continue, some of these properties could be developed.

You see, since the turn of last year there has been a dramatic loss of jobs in the gold-mining industry in my own community. There were 1,500 to 1,600 people employed in the Pamour operation at the first of last year and by the end of this year it will be down in the 700 to 800 range. The Dome mine has laid off about 167 workers. Sometimes we hear in this House members jumping up and raising a tremendous fuss about 35, or 40, or 50 jobs lost by a plant closing some place down here in southern Ontario—there's terrific concern. But there hasn't been a ripple, it seems, over 900 jobs that are lost in a community in northern Ontario. It just shows that this government down here and the people down here don't seem to care two hoots about the economy of northern Ontario.

We have large unemployment all across this province and this country and we want to create jobs. There are jobs here that can be created almost overnight if the government was prepared to work out, in consultation with the federal government, a long-range policy for the gold mines. I'm sure that in four or five years things will have improved a good deal, the mines will be much more viable and the jobs will be there.

If we are going to have those jobs in four and a half years' time, something is going to have to be done in the interval because there are not very many gold-producing operations left in this province. For this industry to be sustained it means that these mines, the operations they have and the mills they are operating, will have to be utilized in some continuous form. Once a gold mine is closed down, it doesn't reopen. It is gone, it seems, for good.

What we do in the next little while is going to be critical as far as the gold situation is concerned in this province of Ontario and in this country. We do have a very skilled work force in the gold mines now.

I know some people will say they can go and work in some of the other operations. There's Texasgulf, or maybe they could go to Sudbury to work at Inco or Falconbridge. Some of them are going to Elliot Lake but one is not too enthusiastic at seeing them go there.

The reason many of these workers do not feel like moving around to these other areas is they have worked a long number of years in the gold mines. They have been there maybe for 15 or 25 years and they can't or won't be hired by Texasgulf or Inco or some of the mining companies because they are too much of a health risk. Perhaps they have had an injury or there's the possibility of some lung condition developing. They are tied to the industry we have.

I say we have to take a pretty careful look at this whole situation and decide if we want to do something about this unemployment. Do we want to sustain this industry, provide these jobs for these workers and provide the benefits for those gold-mining communities? Or are we going to say, "You people take it on the nose. We don't care"?

The Porcupine camp has just two gold mines in operation now but the Pamour mine is trucking ore from perhaps 70 miles away. They are trucking it and milling it now at an economic rate. They are making a little bit of money on some of this. When they started it was costing them $195 to produce one ounce. Now they are doing it for about $115 but it has taken a good deal of planning and careful work to get it to this stage.

"Compared to Porcupine the Red Lake gold camp is a relatively new area with indications of even greater potential. There are literally thousands of square miles of exceptionally favourable gold environment which would fall within existing or possible area programmes in current and former gold camps." That's a statement by Malcolm Slack of the Pamour Porcupine mines which he made to Rendall Dick, the deputy Treasurer of this province and Dr. Reynolds, I believe, the deputy Minister of Natural Resources.

There's the potential in Red Lake to provide many jobs if this government and the federal government would make a commit-

ment to the long-term operation of the gold mine. Until governments and industries develop comprehensive policies, strategies and rational programmes to deal with this new era of uncertainty, it would be improvident to abandon existing operations which have little likelihood of being replaced.

The situation is pretty critical, I suggest to you, Mr. Speaker, and we do need some attention, some real concern by this provincial government and by the federal government—

[9:30]

Mr. Lane: Put the blame where it belongs.

Mr. Ferrier: The blame is two-fold. It may be primarily at Ottawa, but are we just going to say about a resource which we claim to have sovereignty over that we'll let Ottawa do it? We've got to get in there, I suggest, and fight for our rights.

After all, the Minister of Natural Resources did take a stand on this issue at the mines ministers' conference in St. John's, Newfoundland, and called on the federal government, since it created the problem, to take some action. He gave a commitment to the gold study committee that as soon as the Quebec government was sworn in he would try to contact his counterpart there and see whether they could go to Ottawa together and make representation.

I don't know that there has been recent representation to Ottawa from this government, either in conjunction with Quebec or on its own, to try to exert some influence on our behalf. I think if this government has any concern at all for northeastern Ontario—the area that I and my colleague from Timiskaming represent and in which we want to see some growth and development and more diversity within its communities—I think the minister has to be aggressive on behalf of the province to try to force the issue with the federal government.

As I say, I would like to see the reeve of Red Lake be a little more aggressive and outspoken on behalf of the gold-mining communities of this province as well We've got to do something to provide jobs for our people The government makes a big hullabaloo about 35 or 50 jobs down here, but it's not saying anything or doing very much about 900 jobs in northern Ontario. I think the people of northern Ontario have got the message and they keep getting it very dramatically from this government. I'm glad to see there's some support from over there too.

Mr. Lane: Why don't you support a ministry for northern Ontario?

Mr. Ferrier: I don't think we need a new ministry for northern Ontario, we need a new government for northern Ontario.

Mr. Reid: A Liberal government.

Mr. Ferrier: One of the suggestions I would like to make is that I think the member is trying to create a job for himself, that's why he is so vociferous for a northern Ontario ministry. I think he'd like to have "the Honourable" before his name and go parading up to the communities and to the associations when they meet up there.

Mr. Lane: I don't want any suggestions.

Mr. Acting Speaker: The member for Cochrane South has the floor. If the member for Algoma-Manitoulin would like to speak we'll put him on the list.

Mr. Reid: Jack Stokes you ain't.

Mr. Ferrier: Back before the election in September—

Mr. Grande: There is some support for that.

Mr. Ferrier: —the hon. Treasurer came into this House with the first of his mini-budgets. It was in July, I think, and he took the sales tax off cars—I think it was off all cars at that time.

Interjection.

Mr. Ferrier: One of the things he said was that we had to create jobs in four areas; there was Dryden, I think there was New Liskeard or some place near there, and Timmins. They were going to create office complexes—they've talked about this for a long time—to stimulate the economy of those areas and to provide jobs. They were going to advance the construction schedule of those projects and get them under way and have jobs that winter.

Of course, in the process of the election we got the announcement that things were taking place and the tenders or whatever it was were let. It wasn't long after the election that the Treasurer brought in the Henderson report. I think it should be called the McKeough report because it's got his imprint and his thinking all over it. He brought that in and it was the restraint programme and all of a sudden the unemployment problems in those communities didn't seem to matter and they cut back and those projects were shelved. Now that there is very great unemployment in the city of Timmins because of these gold-mining jobs that have been lost, I

suggest that sound economics would say that the government had better take that project up again and do something about it. Let's go on with building that provincial office complex up there in the city of Timmins.

I had an opportunity yesterday to deal pretty well with the health matters that I wanted to deal with, although there was one subject that I did want to make a few comments on. That was the study into health services for the francophones of this province called "No Problem." The member for Ottawa East (Mr. Roy) has indicated a very alarming set of circumstances as far as health services for francophones are concerned. One could really go after the government, except that the Minister of Health (Mr. F. S. Miller) is the one who commissioned this report and gave solid support for the committee during its investigations and hearings. So one would say at least maybe—maybe—the Minister of Health is concerned enough to try to do something about this very upsetting situation that has developed, and has become a real injustice as far as I can see from reading that report.

I don't think this government has had a significant commitment to any kind of bilingualism; any kind of commitment they have has been mere tokenism. We see that all through the report. I would like to just point out in one area in psychiatric services where it is shown how great the injustice has been and it has gone on and gone on.

On page 15 of that report it says:

"In professional services a similar phenomenon is demonstrated in regards to communication with Mexican-Americans. Dr. Edmundo J. Rutz, MD, discusses 'The influence of bilingualism in group communication' in the October, 1975, issue of the International Journal of Group Psychiatry. 'Often, unconscious material comes out more easily in the original language,' he points out. 'In the bilinguals, it seems as though the reactions in English, and the reactions in Spanish were from two different persons.'

"Again, in 1947, Dr. R. B. Egerton, MD, and Dr. M. Karno, MD, reported the results of a similar study undertaken with 444 patients who could express themselves in English but with whom communication was much easier and much more personal in the Spanish language.

"Dr. G. C. Barker, MD, had obtained in 1947 similar results from experiments with Mexican-Americans who had studied in English language schools. Dr. H. J. Lurie describes bilingual communication with Mexican-Americans in the October, 1972, issue of the American Journal of Orthopsychiatry.

"Dr. Ruiz is convinced that 'feeling and thought processes are nurtured in the first communication system and the latter is the basis in the development of the personality'—a person thinks, figures and even dreams in his mother tongue."

And then another little quote:

"In the American Journal of Psychiatry, Dr. J. C. Castillio, MD, described several cases in which patients showed psychotic symptoms in interviews conducted in their language but not in interviews conducted in their secondary language, because the patient who has to commuicate in another language produces unconscious vigilance over his emotions."

It's very obvious from those comments that the whole psychiatric treatment programme has been somewhat in jeopardy because of a lack of commitment to bilingual treatment facilities within the hospitals.

It was most alarming to read about the situation at Brockville, where there was a significant number of French-speaking patients and yet there was no psychiatrist who spoke French and very few who made any attempt to communicate with the patients in French. The statement was made that for a francophone to enter the Ontario Hospital system was like taking an immersion course in English. That's a terrible indictment, when we're supposed to be showing good faith to our minority group and providing some leadership in this country. We're far behind Quebec in that. Is it any wonder we're into the constitional crisis and the situation in Quebec when we carry on like that?

Children from francophone communities or francophone homes who are deaf or blind or who have some perceptual handicap like that, even if their homes are unilingually French, have to come down to Belleville, Milton, London or one of the schools down here and take all their education in English. Sometimes it's said in their reports that those students who have been immersed in English have real difficulties in communicating when they try to go home, and in some instances they have to go to foster homes. That's pretty bad, I suggest. I know they have an arrangement with the school for the deaf in Montreal for some of those students; there are two or three from my riding who are there. But it seems to me we shouldn't have to go outside our own province when there are well over half a million francophones here. We could gear

up some kind of a facility for them either in Ottawa or Sudbury or some place in the north.

To communicate with doctors has been another problem. There are very few francophone doctors. I know when I talk to my physician, I like to have some confidentiality and discuss things on a pretty private basis. If I was talking to a doctor in another language, I'd be pretty worried if I had to have somebody come in to translate for me. In the hospitals they say they sometimes have someone from the kitchen staff or the maintenance staff translate for a patient. That's not right. That's bad.

I think the minister recognizes that is a problem, and he may have enough goodwill to try to do something about it. But he's going to have to have the co-operation of the full cabinet to carry out a long-range and a short-range plan. One hopes that he will get this kind of co-operation, and that the Treasurer will not impose his heavy-handed restraint programme on this very important sector but that money will be available to begin to move rather quickly into these areas where we now know the damage is being done in a significant way. Let's try to correct it. Let's put our own house in order here before we start telling Quebec what they should not or ought to do. I don't know that we should ever tell somebody else what they should not do but there are some people who will make some gratuitous comments in that regard.

[9:45]

I am concerned about the chronic-care situation in my area. We've talked about this for ever and a day. We were in a position to provide some improvement at the Timmins home for the aged. The tender call for the project had gone out and the tenders came back but they were away over the limits that had been set so they were to retender on it. The next thing we knew we had the Minister of Community and Social Services (Mr. Taylor) on one of his trips up to the northeast and he said there's no capital money available for this year. So there the situation rests as far as the senior citizen home in Timmins is concerned.

At Iroquois Falls it was the same thing. Homes for the aged have become almost chronic-care homes; almost everybody is in a bed situation and there are not very many who are mobile. The homes have changed from what they were originally supposed to be, a residence for those who were able to move around and look after themselves to a significant degree.

Mr. Acting Speaker: Would the member for Don Mills (Mr. Timbrell) and his confreres keep it down, please?

Mr. Ferrier: I thank you, Mr. Speaker, for intervening and—

Interjections.

Mr. Ferrier: —keeping some attention from the unruly members on the other side of the House.

Hon. Mr. Timbrell: Is there a qourum?

Mr. Ferrier: In Iroquois Falls we need more spaces for chronic care, to look after the people there. But the restraint programme's there and the government is not doing anything.

Mr. Spence: That is not what you said on the drainage committee.

Mr. Ferrier: It's the old people who are being hurt. What's going to happen this year?

I'm glad to see my hon. friend from Kent-Elgin is behind me 100 per cent. The drainage committee did a good job but I'm afraid that had there been a restraint programme when it was in operation, it would have done a lot less draining than it actually did.

To say another word for Cochrane South's homes for the aged. We do need chronic-care facilities. They have the regional centre for the mentally retarded which used to be the Northeastern Regional Mental Health Centre. There is a considerable number of beds there which could be used to set up an adequate chronic-care wing so that people could be looked after in their own community. They might even have some rehabilitation facilities there, too.

We've got to look at the needs of our province. We can't go on with a restraint programme for ever and a day and let the old people suffer unduly and I hope that he loosens the purse strings.

Another area in which he should be showing more humanity, more concern and more justice is in the whole field of pensions under The Family Benefits Act and general welfare assistance. I read in the paper last night that maybe he's going to make some recommendations to his cabinet colleagues. It's about time he did. It's been well over 16 months they've had to stay on the same level.

It was raised before the election and one could say that since there's talk of a spring election, I guess he's going to try to pull his old ploy again. It seems to be the only time

he considers those people who are really in need and justice doesn't seem to have the upper hand.

There is another area. The government can argue it all the ways it likes—we argued it with the member for Cochrane North when he was the minister—but it will never justify that unjust difference between unemployable and disabled. The government can't justify that.

Mr. Cassidy: That's right.

Mr. Ferrier: All the fancy footwork and mental gymnastics that it tries to do will never remove that injustice. These are people in need who are being kicked around. It's tough enough when you're sick and unemployable and not able to make your way for your family or for yourself, but then to have that kind of injustice foisted on you on top of it should be condemned in the strongest way possible.

Mr. Deans: Aren't you ashamed?

Mr. Ferrier: We've argued that for years and there is no movement across there.

Mr. Cassidy: It's a shame James Taylor isn't here to hear that.

Mr. Ferrier: We parade down there to that prayer breakfast in May and we take such a sanctimonious stand at times but we let people in this province be treated in that way. I suggest there's a pretty far distance between what we profess with our lips and what we actually do about it when we can't look after people like that.

I want to make a few comments about another area that affects my city and a number of my constituents, and it is some of the older gold miners who have worked in the mines all their lives and who now have developed serious lung problems. The situation with them is that the silicosis that they have is in the developing stage; it hasn't got to the stage where it shows on x-rays. So they might begin to say, "Well, you've got maybe a little bit of silicosis but really not enough to provide attention," or they will say it's something else. The person never really gets compensation but he is short of breath, he loses weight, he can't sleep, he coughs, he can't climb stairs very well, and he can only walk a block and then he has to stop.

Those people have serious lung problems, and they've never really got a breakthrough with the Workmen's Compensation Board. But there are a few things that we now know, and I think that by bringing these out into the open we should be able to get some action from this government and from the Compensation Board.

In 1967 and 1972 Dr. Paterson did reports on silicotic miners and an extremely high incidence of tuberculosis was found in the province of Ontario among miners who have had a long exposure to silica. It is clear the overall risk of miners developing tuberculosis is much greater than for non-miners. That's shown by Dr. Paterson's study.

There was a deposition before the Department of Labour, Bureau of Workmen's Compensation, Lansing, Michigan, some time ago, and the pathologist there argued that a man who has been exposed to silica does not have silicosis but does develop tuberculosis. The mere presence of crystalline silica in the presence of tuberculosis organisms encourages the development of silico-tuberculosis. This doctor believes it is not necessary to develop silicosis before developing a high risk for tuberculosis.

I think it's valid and this government should make the particular amendment that if a man has completed five years of consecutive work underground or at least 10 years of interrupted work underground then he is a greater risk for developing active tuberculosis and if he subsequently does so then this tuberculosis should be treated as compensable, as is any tuberculosis defined under the Act with reference to hospital employees.

And this should not only include those who work in the mines but in the foundries and stone cutters, pottery makers and so on.

The other area I suggest should have compensation is the whole area of chronic bronchitis in miners. And I want to offer here just a little bit of a medical opinion of a specialist character:

"As has been pointed out by Higgins et al, it is difficult to asses the role of occupation in etiology of bronchitis in heavy smokers. As this study points out, there is no doubt that miners have excess mortality and morbidity due to bronchitis compared with other workers and indeed, disability due to bronchitis is greater in miners with no pneumoconiosis as is the case with this patient compared with those having grade one pneumoconiosis.

"This study indicates clearly that mortality and morbidity statistics indicate miners to be more prone to chronic bronchitis than

other workers, while at the same time they recorded higher prevalance of respiratory symptoms and lower mean maximum breathing capacities than men who worked only in dust-free occupations. Furthermore, the prevalence of respiratory symptoms was lower and the mean maximum breathing capacity higher in non-smokers than in smokers and ex-smokers. In patients between the ages of 55 and 64 surveyed, the incidence of chronic bronchitis was only 3.4 per cent in non-smokers compared to 22 per cent in heavy smokers such as this subject.

"In another study, Higgins and Oldham showed that the mean indirect maximum breathing capacity in heavy smoking miners was 20 per cent lower than in matched smoking above-ground workers. Other studies from the coal-mining industry have shown similar results, thus Higgins et al showed that the differences in the incidences of bronchitis between miners and non-miners could not be ascribed to differences in smoking habits and thus had to be related to occupational exposure while in a German study Boehme and Leut showed the incidence of bronchitis in miners to be 32.6 per cent, compared to 14.6 per cent in non-miners. On the other hand, Enterline and Lainhart studying coal miners in the United States demonstrated an excess of respiratory symptoms of wheezing and dyspnea, as well as increased frequency of episodes of pneumonia and pleurisy, but were unable to show an increased incidence of chronic bronchitis except in those with pneumoconiosis. In any case, they pointed out that 'the effect was not great.'

"An extensive study by Sluis-Cremer et al from the gold mines of South Africa formed with great care with respect to epidemiological parameters showed in 827 miners an incidence of chronic bronchitis of 39.3 per cent in the 562 that were dust exposed, but only 19.6 per cent in those without dust exposure. They demonstrated a clear excess of chronic bronchitis in the dust-exposed workers and concluded that there was some factor operative in this group increasing the incidence of chronic bronchitis over and above the effect of smoking."

[10:00]

There are five studies that have been done and this is accepted in the scientific community. In fact, since 1970 in South Africa they have made some recognition of chronic bronchitis as being compensable and have paid pensions for it—probably only in the white workers, but at least they have done something that we in Ontario haven't done some six years later. Justice again must be done to these people. These studies are in the medical community and people at the Workmen's Compensation Board know about them.

Mr. Bain: They ignore them.

Mr. Ferrier: Why doesn't the Workmen's Compensation Board at least pay attention to the research that has been done and has shown conclusively that the miner who has worked in the mine is much more susceptible to chronic bronchitis than those who have not? And why is the miner not compensated for it when he develops that condition?

There is some dispute, I gather, over the question of emphysema, as to whether the dust is a significant factor in it developing or not. I don't think the medical community has come to any conclusion. Rather than dragging our heels and following jurisdictions, it's time that we tried to do justice to those people who have made a significant contribution to our economy by working hard and who have suffered the ill effects of it. I hope that the minister will do something about these gold miners with chronic lung conditions and rectify a wrong that's gone on far too long.

Hon. B. Stephenson: The member for Timiskaming wouldn't know emphysema if he saw it. The member for Cochrane South would, but his colleague wouldn't.

Mr. Bain: Pardon? He has more compassion for workers than you do, though.

Hon. B. Stephenson: That is absolute—pardon me, Mr. Speaker.

Mr. Deans: He couldn't have any less.

Mr. Ferrier: No, I don't think I could have any less.

I want to mention briefly two other things. ETV in northern Ontario hasn't quite got there yet. That's another area of the province that's well looked after down here as far as cable is concerned. They can get their American channels. They can get a wide selection of TV without even needing cable. But not us in northeastern Ontario and in northern Ontario. I don't think the Minister of Housing has got cable TV in his riding. Oh, he has. Is there ETV there yet? Then he's one of the lucky ones. I know the member for Cochrane North hasn't got ETV there.

Hon. Mr. Brunelle: It is coming.

Mr. Bain: When?

Mr. Ferrier: We'll get it the same time that you get it—and we're still waiting. I've

got cable TV in my home; this morning, my young lad was watching the set and he said, "Dad, it's 43 below out." I wasn't too anxious to go out and walk uptown. Maybe the cable TV would have been better if it hadn't been on.

I suppose ETV will eventually come for those of us who are paying $8 a month and the installation charge for cable TV. But there will be a lot who will not go on cable, and there will be some of the smaller communities that won't have it. I don't know whether they'll have it at Remi Lake, for instance, or whether they'll have it—

Interjection.

Mr. Ferrier: You'll have it in Kapuskasing, but you don't live in Kapuskasing, you see. You may have to do without it.

Only a fraction will have cable anyway, and again I think we're not getting the same kind of treatment that we see people getting down here in southern Ontario. It's always easy to cut back in the north, because we are scattered and there are so few of us in comparison with the number of people down here. If you want to bring the axe down heavily, those people in the north are the ones who can take the blow. They can squeal and yell and shout and protest and do all they like and the southern Ontario establishment in this Legislature just says, "Oh, well, it's the northerners again," and they write us off. It is about time they paid attention to northern Ontario and didn't make big speeches at election time and forget us in between.

Interjections.

Mr. Ferrier: I don't want to destroy my argument here but I was at a mini-caucus about two weeks ago in Barrie.

Hon. Mr. Timbrell: In a phone booth.

Mr Ferrier: There were a lot of people there, and I'll tell the minister, we're going to win that seat the next time around.

Mr. Bain: We might even win Cochrane North if the hon. member doesn't run again.

Mr. Ferrier: The people from Orillia and the people from Barrie came and told us how many senior citizens' houses they had—

Mr. Bain: How about Don Mills?

Mr. Ferrier: —less than a hundred in each place, and when you compare that with what's going on in my riding, already we have got—well, in Timmins—

Interjection.

Mr. Ferrier: We have done better than down here in some of these areas that have had a government member and maybe you haven't paid as much attention—

Mr. Bain: The moral is to have a NDP member.

Mr. Ferrier: Anyway, there is always an exception to every rule and we will grant that maybe there is one in that incident. But I will tell the House that Ed Diebel is still signing up his names. I met him not too long ago but he didn't impress me that his party will gain that many seats in the next election. I don't think he has got his 10,000 names yet. Anyway, we will see.

I got a pretty good note here from my hon. friend from Kent-Elgin who wants me to deal with two or three other subjects, but if the government is showing a lot of restraint, I guess it is kind of contagious and maybe I had better do the same too and call it quits for tonight.

Mr. Deans: Mr. Speaker, I thought perhaps I might not get the opportunity during this session to speak in the budget debate but I am certainly very grateful for the chance during the next 20 minutes to share with the House some thoughts I have about matters that I think if they are not of concern to the government, ought to be. They are not particularly far-reaching, many of them. Some relate directly to the riding that I represent, some to the immediately adjacent area, but I feel it might be important for me to make sure the government is aware of some of the problems.

I want, though, before I deal with matters of policy to take a moment to say something about the Legislature because I have been concerned of late about the Legislature and the way it has operated. I think in fairness that the minority government, the minority Legislature, has produced a higher level of debate and a higher degree of awareness in the members who were elected and in the public than the Legislatures that preceded it. But unfortunately I suspect a great number of people who look in on us from outside don't really understand the workings of a parliament very well and they are taken back at times over the way that we deal with each other and over the way we carry on. I suppose that would be the correct term that might be used in terms of our day-to-day operations.

I think it should be understood, and I think the members probably do understand,

that the Legislature can be and frequently is a very tense place. The government, in its desire to pass legislation which it, in its wisdom, believes to be in the best interests of the people it represents, comes forward with proposals which we, either in the NDP or in the Liberal Party or, from time to time, it may even be both parties, disagree.

That brings about heated debate. That debate need not always occur during second readings or during structured debates such as this but, on occasion, it occurs during the question period. It may well be said by the purists that that's not the appropriate place for this to happen; that the question period should be more subdued and sedate and it should pay more attention to the historical values placed on the Legislature rather than on the events of the day.

Many looking in, press and public alike, get the impression the members of the Legislature are, to say the least, an unruly bunch. I think if I were sitting in the gallery I would probably share those views. I think I probably would feel, as many people have felt and have expressed the feeling, that I don't quite understand why we act the way we do.

I'm not going to apologize for the Legislature because it isn't my role to apologize. I suspect on balance, if one were to look carefully at the work done by the 125 members of the Legislature, singly and collectively, the contribution made by this House and by its membership is significant and will, in history, reflect a fairly dedicated group of individuals attempting to find solutions to very complex problems.

I am concerned about one aspect of the House and I want to share that with the House at the moment. I do so in a somewhat subdued tone because I feel it's rather delicate yet I think it has to be raised. I'm concerned about the historical lack of respect that this Legislature has for the role of the Speaker.

The role of the Speaker is much more important than the Speaker himself. If we continue as we have been doing, to taunt and bait, to ignore and frustrate whoever is sitting in the chair as Speaker of the Legislature, the effectiveness of the House as a whole will continue to deteriorate. I say this knowing full well that like almost every other member, I have contributed to it. I'm not attempting to preach or to claim that somehow or other I haven't been a part of what's gone on.

It frustrates me and aggravates me — in fact, angers me—to hear people and see people point their finger at the incumbent and claim that he perhaps is incapable of handling the job. The job of the Speaker should be a very simple job. The job of the Speaker shouldn't be as taxing and as difficult as we have made it. If the members, individually and collectively, had respect for the role, for the office, then the Speaker wouldn't have to get into arguments and battles and be placed in a position, day after day, of attempting to rule the unruly.

When people tell me that the incumbent Speaker doesn't have the control over the House that he perhaps ought to have, I have to think back to the Speaker who was in the chair in 1967 when I was first elected. The same was said of him, and of the Speaker who followed him, Mr. Speaker Reuter. We almost drove him to his grave. It's something about the way the House operates and is not necessarily a reflection on the individual.

[10:15]

If a person is given the role of Speaker in the Ontario Legislature for some reason or other the members seem to feel that that person then becomes fair game for abuse and criticism without recognition of the fact that that person, like all of us, is a human being elected to do a job and doing it to the best of his or her ability—in this case his ability. If we respected the role and the office, and paid no attention to the person as an individual, and perhaps if the Speaker were to rule with a firmer hand, we would benefit immeasurably in the terms of the way in which this Legislature operates, and in terms of the way the public might view us, both through the writings and showings, if you will—whatever—of the press and also in terms of the people who come to visit with us and to sit in the gallery.

I would appeal to the members—as I have appealed to myself privately—to stop the unnecessary harassment of the Speaker. I would appeal to them to not continue the chatter and harangue to the extent that they do.

That doesn't mean there can't be crossfire. That doesn't mean there can't be interjections. What it means is that when the Speaker says "Order," everybody should stop. I think if we could all exercise that kind of self-control that would enable us to recognize that it would only be in that atmosphere that we could operate efficiently and effectively and if we would recognize that what we do is bring disrespect upon ourselves that we could perhaps then have a much more sensible and a much more respected legislative assembly.

As I say, I appreciate that, like all other members—if not all, certainly most—I've contributed to the demise if you will of the role. I now ask from that position whether collectively we can't find a way to re-establish the role in a more sane and sensible way. I ask that members of all parties, particularly those on the front benches of both sides, who may influence the Speaker more than is fair, should refrain from commenting on his role and that we should try as best we can to allow the Speaker to rule—as we do, incidentally, with the chairman and the deputy Speaker and the chairman of the committee of the whole House.

When the Deputy Speaker and the chairman of the committee of the whole House makes a ruling for reasons that are not entirely clear to me—and this has been historically true again—we have paid more attention to those rulings and to those directions than we have ever paid to the Speaker in similar circumstances speaking from the chair.

I raise this—I realize it may cause some to wonder, but it has been bothering me for some time and I feel it is only appropriate that I should raise it tonight.

I think the Legislature operates not too badly, given that that problem might be overcome. I think the level of debate in general is fairly high and I think that people tend to speak what they believe to be the truth.

I don't think you find many people grandstanding in the Legislature. I don't think you find many people making speeches based on what they know to be misinformation. And I don't think there are many occasions in this House when it could be truthfully said that someone was intentionally misleading the House. But I don't think for a moment that we should in any way believe that people only unintentionally mislead the House.

I think there are occasions when a member, whether he be a minister of the Crown or a member of the opposition, speaking on a topic which he or she may know sufficient about to speak, would make a statement which on balance, after having been checked against all of the details involved, might be found to have been, if not outright misleading, certainly based on misinformation.

If this Legislature is going to operate in a reasonably human way, we've got to understand these things will occur. We've also got to understand that from time to time someone in the House may well challenge the information being put forward and suggest that, based on the information being put forward, the House is being misled.

That doesn't imply for one moment that the speaker is lying or intentionally misleading the House. It simply means that based on the information currently available, the House is being misled; that the information being given is not in keeping with what one other member believes to be the facts. I don't think we need continue to engage in the game of one-upmanship, of trying to imply that people are not telling the truth, because I suspect that in most circumstances, most of the time, members of the House do in fact tell the truth.

In any event, I want to deal with two or three matters that are of particular concern to me, having said what I've said. I want to say with regard to the business of the House that it's been a unique experience having been the House leader for the official opposition, having had the opportunity to deal with the government House leader and the staff of that office, and having had the opportunity to sit down and try to work out acceptable schedules that would allow the business to be conducted in a reasonable way without in any way attempting to muzzle or restrict any of the duly elected members of the Legislature from having their say.

One of the things I might say in passing, Mr. Speaker, given that you, the member for Lake Nipigon, are in the chair at this moment, is that one of the regrets I have about this minority parliament is that we haven't really had the benefit of your participation as you participated in years gone by. I think it's unfortunate not only for the House but it's unfortunate for the public at large that we would require of a person, assuming the heavy role of Deputy Speaker, that he or she feel they have to withdraw from the normal partisan debate that would allow them to express the opinions that really in themselves were the basis for them getting elected in the first place.

I think somehow or other as we review the rules, and we're going to, that we should give some consideration to attempting to find ways to enable the Deputy Speaker and the deputy chairman of the committee of the whole—and the Speaker too, although the Speaker's role is somewhat different—to express opinions that will at least be a reflection of the concerns and views of their constitu-

ents without in any way jeopardizing their impartiality in dealing with legislation and the like when it comes before them and they are required to make rulings.

I am not sure how that can be done; it may be something that can't be done. But I do think we lose and the public of Ontario loses when we don't get the benefit of the wisdom of people who have been appointed to those positions by the Legislature, the reason being in the case of my colleague, the member for Lake Nipigon, and I'm sure it holds true for the others, that he was nominated for this role because we had a great deal of faith in his judgement, and of course the reason he won the seat in the first place was because the electorate had a lot of faith in his judgement. It is unfortunate we're not able to allow him wider latitude in dealing with matters that might be of concern, without jeopardizing the impartiality which he has and which I am sure he would be able to maintain regardless.

In any event, I want to talk about some other matters. I have been very disappointed in the way in which the rent review procedures have operated in the province of Ontario. I don't intend to make a lengthy speech about it because I know my colleague from Ottawa Centre does have some statistical information and other information he wants to place before the House on another day. But I was, I think "amazed" would be the word, when I went before the Rent Review Board for the purposes of expressing the views of a number of tenants who felt they couldn't express their views sufficiently lucidly in order to have the board listen to them.

I was surprised first of all at the way the board operated. I was surprised that there was not a clear set of rules, parliamentary procedure, if one will, which would set out how a case might be presented and what would be admissible or otherwise before the board. It was a hodge-podge.

I walked in; I sat; we carried on a debate across the table. I asked questions. The landlord asked questions. The rent review officer asked questions. The tenants asked questions. There never seemed to be any order to it. At the end I wasn't really sure whether everything that had to be brought out had been brought out.

I don't know if the Minister of Labour is smiling because she believes me or not, but I was—

Hon. B. Stephenson: I saw one.

Mr. Deans: You saw one? Yes. It really was an amazing experience. It was a disturbing experience because I couldn't imagine —I have gone before many boards and tribunals and the Ontario Municipal Board. I've spoken at so many different places. I've always attempted to collect my thoughts, to prepare my case and present it in such a way that I would be able to allow my opponent, whoever it happened to be—the other side, if one will—to rebut it if they could; to refute it if they could; to present their evidence. Then I would have the opportunity for cross-examination.

I was flabbergasted by the lack of order. I didn't know how the board was ever going to reach a decision as a result of the hearings I attended. It wasn't for the lack of effort on our part nor, I am sure, was it lack of effort on the part of the landlord or his representative. It was just a hodge-podge. It was a mess.

We can't go on like that because that in itself destroys the credibility of the rent review procedures. It makes it difficult for tenants. It makes it difficult for landlords and it destroys the credibility of the whole procedure. I really do urge that we should spend some time reviewing the procedures themselves and trying to set out some more clearly understandable terms of reference and what is expected from both sides at hearings of that type.

That doesn't mean that an individual wishing to state an opinion ought not to be given the chance or that they must come in with a lawyer. I think there should be some clear rules of procedure to be followed.

I want to tell you, in the minute left to me before 10:30, of the one thing which amazed me. I had a case in which the person involved went before the board with his landlord because the landlord was asking for a sum of money—for the purposes of this discussion we'll say it was $246 a month. That was an increase from $180 a month.

The board found in favour of the tenant. The landlord had not justified the increase due to a number of factors prior to the increase being implemented and a number of the claims being made were unsubstantiated. It found in favour of the tenant.

The landlord then appealed. The tenant was on vacation and the landlord was granted the entire $246 that he asked for. All the tenant got was a notice saying that as a result of the appeal, the amount granted was $246. There was no justification, no explanation, nothing. Having had it brought to my attention, I then wrote, perhaps wrongly,

to the rent review head office and I said, "I wonder if you'd be kind enough to send to me the justification provided which would show that this was a fair and equitable amount arrived at." I didn't get a reply but the tenant then received—and I received a copy—a new notice. It had been reduced to $210.

I notice that it's 10:30.

On motion by Mr. Deans, the debate was adjourned.

Hon. Mr. Meen: Mr. Speaker, before moving adjournment of the House I would advise members that tomorrow we will resume the budget debate.

On motion by Hon. Mr. Meen, the House adjourned at 10:30 p.m.

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No. 129



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Third Session of the 30th Parliament

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Speaker: Honourable Russell Daniel Rowe
Clerk: Roderick Lewis, QC

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LEGISLATURE OF ONTARIO

FRIDAY, DECEMBER 3, 1976

The House met at 10 a.m.

Prayers.

Mr. Speaker: Statements by the ministry.

Oral questions.

Mr. Breithaupt: There's not much choice.

CLASSIFICATION OF LAND

Mr. Lewis: May I ask the Minister of Agriculture and Food: Is he prepared to table before the Legislature the various classes of land which give the breakdown of the alternative land for agricultural production which he has been saying exists across the province?

Hon. W. Newman: I am not prepared to table it at this time until we have done our total final analysis on it.

Mr. Lewis: By way of supplementary, it is my understanding that the food land branch now has the ascribed value of that land right across the province. In view of the categorical assertions the minister has been making as to its amount, is he saying he will not table this or that he will table it at a given point in time?

Hon. W. Newman: At the appropriate time I am quite prepared to, when I am satisfied we have got all the details to detail it properly in the House.

Mr. MacDonald: Why are you making the statement without the details?

Mr. Ruston: Can I ask the minister when he is considering tabling this, would he consider also assessing the heat units that are available in those districts so that we will then know the production capacity of that land?

Hon. W. Newman: By and large, we have the necessary charts now, showing the heat units right across the province. I assume the member is asking me to break it down by acres per heat unit in the various heat-unit levels. Is that what he is asking?

Mr. Ruston: Yes, the various references and categories of heat units, if possible.

Hon. W. Newman: I would think that could be done.

Mr. Swart: Is the minister aware that the federal government is doing a climatic overlay on the soil classifications, and will that be included in the final report?

Mr. S. Smith: It means heat units in simple terms.

Mr. Mancini: Tell him what heat units are. Explain it to him.

Mr. Sweeney: Get your shovel out.

Hon. W. Newman: I am aware that the feds are doing some work. I do not know what they are doing in detail, as they have not indicated to me exactly what they are doing. As far as the overlay is concerned, we haven't any details from Ottawa.

TIMBER LICENCES

Mr. Lewis: Has the Minister of Natural Resources yet accumulated the information we asked for in his estimates on the various forest licences in Ontario and the breakdown as to the management and operational contracts—the information he said he would be tabling?

Hon. Mr. Bernier: I am not sure about the information that the hon. member requires. I believe he wanted to look at the management and operational plans.

Mr. Lewis: And the extent of reforestation in the individual licensed areas, et cetera.

Hon. Mr. Bernier: I would point out to the hon. member there are some 175 management and operational plans on various companies.

Mr. Renwick: That's what we want to see.

Hon. Mr. Bernier: If the Leader of the Opposition has a specific request—

Mr. Deans: No, we want them all.

Hon. Mr. Bernier: I would have to bring them down in truckloads, really.

Mr. Deans: That's fine.

Mr. Lewis: That's fine. We have worked in the basement of the ministry before.

Hon. Mr. Davis: You have worked in several basements.

Mr. MacDonald: That's where we get the facts you are sitting on.

Hon. Mr. Kerr: Via pipeline.

Mr. Lewis: I would be pleased to know. By way of supplementary, during the estimates, if I remember, the minister indicated he felt he could bring that material together and make it available to members of the Legislature or to those who ask. Is he saying now that's not possible?

Hon. Mr. Bernier: I am not saying that at all. If memory serves me correctly, I believe I said that I would discuss the magnitude of the question with my senior officials. I have done that. The problem is a large one and there is a massive amount of information. And there is a certain amount of confidential information in those management plans.

Mr. Lewis: Aha!

Hon. Mr. Bernier: If the Leader of the Opposition has a specific request for a specific company, we would be glad to co-operate as fully as possible.

Mr. Deans: How can we tell if we are getting it all?

Mr. MacDonald: It may be useful for you to examine them for your own purposes.

Mr. Speaker: Order, please.

Mr. Renwick: By way of a supplementary question—

Mr. Speaker: I believe the member for Port Arthur was on his feet first.

Mr. Foulds: Supplementary: Is one of the problems the fact that the minister does not have enough unit foresters in the field, so that there are some management units without plans drawn up?

Hon. Mr. Bernier: No, not to my knowledge.

Mr. Lewis: We will make the request.

HALNOR HOUSE

Mr. Lewis: May I ask the Minister of Community and Social Services, is he aware of the Halnor House undertaking in the Delhi area and the wish to receive funding from the ministry for this rehabilitative undertaking, which funding the various groups felt they had received approval for or, if not approval, some indication of support for, and now it is not available? Is the minister going to reverse that decision?

Hon. Mr. Taylor: I am familiar with that particular situation. As the Leader of the Opposition may very well know, it was operated under health grants and was not provided for in my ministry's budget. We had indicated that funding would be available in the 1978-79 fiscal year, but we would assume that alternative funding would be provided in the 1977-78 fiscal year.

Mr. Lewis: By way of supplementary, if I understand the minister's question, is he saying he will facilitate the alternative funding?

Hon. Mr. Taylor: I am saying in brief that I am impressed with the operation—I want to make that clear—as far as my own personal opinion is concerned. I will co-operate in every way possible to assist, whether it's alternative funding or what have you, and I am prepared to continually re-examine the situation. But what I am saying is that I cannot guarantee support financing from my ministry at this time.

FAMILY BENEFITS RATES

Mr. Lewis: A question for the same minister: What success has he had with his cabinet colleagues over increases in the family benefits and general welfare allowances, which haven't been increased in many months?

Hon. Mr. Taylor: As a matter of fact, I think the last increase was in May 1975.

Mr. Lewis: Right.

Hon. Mr. Taylor: May I say it is my firm opinion that there should be an upward adjustment of those payments. Accordingly, I have instructed my staff to prepare a submission on the matter, which I will bring forward through to the policy field and, of course, to Management Board.

Mr. Deans: It will be May 1977 before you can deal with it.

TRAINING SCHOOL DEATH

Mr. Lewis: I was hoping the Minister of Health (Mr. F. S. Miller) or the Provincial

Secretary for Social Development (Mrs. Birch) would be here. May I ask the Premier a question in the absence of other ministers?

Has the Premier had an opportunity to read some of the inquest material and analysis on the Norma Dean inquest? If he has, might it be possible for the government to undertake some kind of inquiry—something akin to the Willard inquiry in Huronia—into some of the practices which Thistletown appears to use in the treatment of adolescents, and maybe also make an effort at some way of co-ordinating the activities among agencies and ministries, the fashion of which emerges as deficient in the inquest?

Hon. Mr. Davis: I have not had an opportunity yet to read the material from the inquest; I will be doing that some time next week, along with reading the reaction of those ministries that have some involvement with respect to that particular case. What will emerge from that, I wouldn't want to predetermine until I have had an opportunity to look at it. I don't know that the word "inquiry" would be the proper terminology to use, but whether some form of study as a result of some of those recommendations would be worthwhile, I don't want to prejudge until I have had an opportunity to study the material myself personally and to discuss it with my colleagues, which I would expect I shall be doing the latter part of next week.

MINING CLAIMS

Mr. S. Smith: Mr. Speaker, a question for the Minister of Natural Resources: Given the fact that once a mining claim is staked, a certain amount of work has to be done on it each year, I believe, why did his ministry allow Hollinger and certain other companies to stake claims in 1975 and 1976 right in the middle of Sudbury's water supply, namely Lake Wanapitei? What was the logic in that, now that they have to go and work on that claim right in the middle of the water supply?

[10:15]

Hon. Mr. Bernier: Mr. Speaker, this is a normal situation where the mining industry does have the right to move into certain areas where it thinks there is mineral potential. The member was quite right in saying there was a claim staked on Lake Wanapitei. Further staking has been stopped as of November 17, 1976.

We have been in discussion with the Hollinger people and they have agreed to postpone any drilling operations on that particular area of Wanapitei Lake until we have satisfactory proof, along with the co-operation of the Ministry of the Environment, that no damage will occur to the water supply of those communities. I have advised them of that.

Mr. S. Smith: By way of supplementary—I thank the minister for his answer: I ask if, by satisfactory proof, he can assure the House that he will be requesting, through his colleague, the Minister of the Environment, an environmental impact assessment before any drilling and work be done? Furthermore, will he be in a legal position to do that without jeopardizing the claim of Hollinger? The rule at the moment is that they are forced to do work even if they don't want to in order to keep up their claim.

Hon. Mr. Bernier: I would advise the hon. member that we're working very closely with the Ministry of the Environment and I can assure him we'll make sure that there is no damage to the water supply to those communities.

Mr. Laughren: Has the minister access or does his ministry have access to the information already accumulated by Hollinger as to the size of the ore body in that immediate vicinity?

Hon. Mr. Bernier: No.

Mr. S. Smith: A final supplementary on this: Perhaps it's just an oversight—the minister mentioned that Hollinger has agreed; have the other companies agreed as well? Can he take some steps to guarantee that in future mining claims won't be handed out right in the middle of major water supplies?

Hon. Mr. Bernier: Yes, Mr. Speaker. Those other people involved—at least, the owner of the claim has shown his desire to co-operate fully. As we move around into other areas, of course, we will make sure no water supply is placed in jeopardy.

SALE OF LAND IN HAMILTON

Mr. S. Smith: A question for the Minister of Housing—good morning, Jack.

Hon. Mr. Rhodes: Good morning.

Mr. S. Smith: Can he explain why it is that government-owned land on Hamilton Mountain, the large acreage there, is being released for sale, bit by bit, in very small quantities

at speculative prices, rather than in large quantities all at once which might help to drive down the price of land in Hamilton?

Mr. Deans: I asked Stanley Randall that in 1968. Give him the same answer. Do you remember me asking that?

Hon. Mr. Davis: I remember it.

Mr. Deans: Tell him the same answer.

Mr. Speaker: The hon. Minister of Housing is answering now, thank you.

Mr. Moffatt: He can hang on his own words now.

Mr. Speaker: Order. The hon. Minister of Housing.

Hon. Mr. Rhodes: Mr. Speaker, the hon. member for Wentworth suggests the question was answered in 1968; perhaps the member would like to read Hansard of that time?

Mr. Nixon: Maybe the minister would.

Hon. Mr. Rhodes: Yes, the minister probably would like to read that.

Mr. MacDonald: I knew you were looking for a cop-out.

Mr. Reid: Compare the answers.

Hon. Mr. Rhodes: Mr. Speaker, I cannot give an answer to the hon. member at this time as to how that land is being sold—

Mr. Reid: The same answer as in 1968.

Hon. Mr. Rhodes: Is that the same one?

Mr. Deans: The answer in 1968 was that you weren't going into competition with private enterprise. That was the answer in 1968.

Mr. Nixon: That's not bad.

Hon. Mr. Rhodes: I won't give the same answer but what I would be prepared to do is to find out for the hon. member exactly what procedures are going on. I will make the information available.

Mr. Peterson: In 1982?

Hon. Mr. Rhodes: No, in 1976, probably before this session rises.

Mr. S. Smith: By way of supplementary, do I take it from the minister's answer that as major a policy as to the way in which the government is handling its large land bank is outside the awareness of the Minister of Housing? In answering that can he also undertake to tell us exactly how much speculative gain has been made so far by this carefully orchestrated way of dripping little bits of land on to the market in order to support the inflated land values already in existence in Hamilton?

Hon. Mr. Rhodes: First of all, with the greatest respect to the hon. member, I am not totally aware as the minister—nor do I suppose he would be if he were—of what may be happening in various land sales being carried on by the Ontario Housing Corporation.

Mr. S. Smith: It is a major policy.

Hon. Mr. Rhodes: Let me say, though, it is interesting to have the hon. member suggest there's a problem as far as land speculation is concerned. We all recognize that, perhaps, has been given some profile as being a problem. By the same token, to put large tracts of land on the market at what he would consider to be lower prices—and I don't disagree with that approach—obviously is going to put land in the hands of persons who may very well end up selling it at what he would then come back and attack me for: speculative prices.

Mr. S. Smith: The minister can stop that. He can force them—

Interjections.

Mr. Sargent: Supplementary: Knowing that he inherited this mess—it wasn't his own doing—would the minister tell me if it is still government policy that he cannot release the minutes—

Mr. S. Smith: He's right, too.

Hon. Mr. Davis: Talking of inherited messes—

Mr. Sargent: Does the Premier want to answer this? He's the one who should.

Hon. Mr. Davis: I am just talking about inherited messes.

Mr. Sargent: Is it government policy that the minutes of the Ontario Housing Corporation cannot be opened to the House? Secondly, do we have to have a resolution of the House to force him to open the minutes of this meeting regarding the Saltfleet development?

Hon. Mr. Rhodes: In response to the question from the masked man, I wanted to say—

Interjections.

Hon. Mr. Rhodes: The member knows there have been tabled in this House, I believe on two occasions, the very documents he asked for concerning the sale of land and the purchase of land by Ontario Housing over the past number of years. If the hon. member is referring to the notice of motion already on the order paper I think he is well aware, from discussions we have had in estimates with him and the member for Wilson Heights (Mr. Singer), that we are attempting to find out what the legal position is on tabling the minutes of Ontario Housing Corporation.

I am quite satisfied that these minutes can be tabled if we can be assured legally we are not placing anyone's rights in jeopardy due to the fact that third parties are involved in the minutes. We have to clarify that with the legal people to determine what position we would be in, what position the members of the Ontario Housing Corporation board would be in, and what are the rights of the individuals whose names are mentioned in those minutes.

Mr. Speaker: Order, please. That question has really nothing to do with the original question which had to do with—order, please. The original question had to do with land transactions—

Mr. Sargent: Why are you protecting this man?

Mr. Speaker: Order, please. I'm not protecting anyone. Will the hon. member take his seat, please. I was just pointing out that in a spirit of generosity I had allowed that supplementary question although it was not supplementary to the original question which had to do, I say again, with land transactions in Hamilton. The member for Hamilton West.

Mr. S. Smith: Thank you very much, Mr. Speaker, your generosity is appreciated. To finish that particular line, have I the assurance of the Minister of Housing that we will be provided with a record of what speculative profit the government has realized from the sale of land so far on Hamilton Mountain?

Hon. Mr. Rhodes: I certainly will bring the necessary information. The hon. member can then determine for himself whether it is to be considered speculative or not.

I do hope the columnist for the Toronto Star has not started a lot of this by suggesting that my ministry was low profile. It's causing me some problems this morning.

Mr. S. Smith: That is a great profile. That's a Barrymore profile.

MERCURY IN LAKES

Mr. S. Smith: A question for the Minister of Industry and Tourism. Can he amplify the comments he made on the radio this morning when he said there were several lakes and rivers in Ontario with higher mercury levels than the English-Wabigoon river system? Could he give us a list of these particular lakes and rivers? Could he tell us whether the mercury in each of those instances is from industrial or natural sources as best as it can be determined?

Hon. Mr. Bennett: If the leader of the third party had continued to listen to my statement, I said the information was with the Ministry of Natural Resources and the Ministry of the Environment. I was making a very general comment on the fact that it related to bad publicity for Ontario.

Mr. Foulds: Muddled, too.

Mr. Nixon: Were you out for breakfast again?

Mr. Deans: Are you like this after breakfast every morning?

Mr. S. Smith: All right; take it easy. I'll redirect to the Minister of Natural Resources and remind him that on November 1, I asked if he would table a list of the lakes in Ontario which have unacceptable levels of industrial pollutants. Would he undertake again to table that list? Could he comment on the statement made by his fellow minister that there are several lakes and rivers in Ontario with higher mercury levels than the English and Wabigoon river systems? Would he please tell us what they are and whether they are industrial or natural?

Hon. Mr. Bernier: The hon. member is quite right; he did ask me for that information. My staff have been working on that information for the past several weeks now. I just want to point out to the hon. member that it is an effort of some magnitude, because we have well over 600 lakes in the province of Ontario that have some form of pollution.

Mr. MacDonald: It sounds as though the job is overwhelming you.

Mr. S. Smith: What about his statement, Leo?

Hon. Mr. Bernier: We're pulling this information together. In fact, my staff says it's over 600 lakes now. Once this information

is available, I'll make it available to the House and to the hon. members.

Mr. Reid: Supplementary: Would the minister agree with the Minister of Industry and Tourism's statement that there are lakes with higher mercury levels than the English-Wabigoon and can he identify them for us?

Hon. Mr. Bernier: I haven't seen the full report of the testing that has been done on all the lakes in the province of Ontario, and I'm not really aware of what the Minister of Industry and Tourism said.

Mr. Reid: But the Minister of Industry and Tourism has—

Mr. MacDonald: Maybe he has got the information and you haven't.

Mr. S. Smith: If you don't have it, how come he has it? He must have secret information in the cellar.

AIR POLLUTION IN HAMILTON

Mr. S. Smith: A question to the Minister of the Environment, if I might: Could the minister explain what policies he intends to follow with regard to the fact that the Steel Company of Canada continues to put approximately 36 million pounds of sulphur dioxide into the air each year in Hamilton, whereas Dofasco has introduced a process that reduces that considerably? What is the minister going to do to force the Steel Company to clean up?

Hon. W. Newman: He could go for a swim.

Hon. Mr. Kerr: Stelco was under an emission control order. They have substantially reduced their SO_2 emissions since the inception of that control order, about 1971 or 1972. They have reduced their SO_2 emissions each year.

Mr. S. Smith: That's not true.

Hon. Mr. Kerr: They are in compliance with that control order, which hasn't expired yet; it has a year or so to go.

As far as Dofasco is concerned, the hon. member is correct. By changing their whole process in the main mill, they have been more successful than Stelco as far as their SO_2 emissions are concerned. However, the hon. member should realize that Stelco is a bigger plant than Dofasco, and when we measure emissions we measure the total property of each company. As I say, the reduction in SO_2 emissions from both plants, including Stelco, has been substantial and they are in compliance.

Mr. S. Smith: By way of supplementary, will the minister not admit that 36 million pounds of sulphur dioxide was the precise figure that was being released into the air five years ago? Will he furthermore not admit that Stelco may seem to be in compliance partly because he refuses, and his ministry refuses, actually to measure the emissions at source and insists on measuring them a considerable distance away? If Dofasco could clean up, then why can't Stelco clean up?

Hon. Mr. Kerr: If the hon. member is suggesting that the emissions from Stelco, have not been reduced in the last five years, he is wrong, absolutely wrong. Stelco has reduced its emissions.

Mr. S. Smith: Per ton they have been reduced.

Hon. Mr. Kerr: They have reduced their emissions. They are in compliance under a control order. There is no legal way we can require that plant to convert its production facilities in the way that Dofasco did.

Mr. S. Smith: Tax them.

Hon. Mr. Kerr: All we can do is require them to comply with certain emission levels, and we are doing that.

Mr. S. Smith: By way of supplementary, would the minister not accept that possibly the only way we are ever going to get them to clean up is to tax them per pound of sulphur dioxide that they force down the lungs of the people of Hamilton?

Hon. W. Newman: Is that what you would do?

Mr. S. Smith: Yes.

Hon. W. Newman: How much a ton?

Mr. Eakins: Bill, you are retiring.

Mr. Nixon: You are not going to run again, Bill, or you would be Minister of Welfare.

Mr. Speaker: Order, please.

TIMMINS HIGHWAY ACCIDENT

Mr. Ferrier: I'd like to ask a question of the Provincial Secretary for Resources Development. Will the provincial secretary discuss with the Minister of Transportation and Com-

munications (Mr. Snow) the report of the unfortunate highway accident last Sunday night on Highway 144, south of Highway 101 in Timmins, where eight people were killed? Will the minister ascertain what was the condition of the road and will he find out whether the narrowness of Highway 144 was a contributing factor to this accident?

[10:30]

Hon. Mr. Irvine: Yes, I will.

Mr. Laughren: Supplementary: Will the minister ask his colleague, the Minister of Transportation and Communications, as well to improve winter maintenance on Highway 144 and also to investigate the possibility of adding a couple of feet to the width of the highway running from Sudbury to Timmins?

Hon. Mr. Irvine: Yes, I'll discuss that.

FORZE NUOVE NEWSPAPER

Mr. Eakins: I have a question for the Minister of Industry and Tourism. Is the minister aware or concerned regarding the disbursement of public funds in advertising, which comes under his department, in the newspaper known as Forze Nuove, whose editorial staff contains three members of the Legislature here and which newspaper is clearly a partisan political newspaper? Has the minister read the newspaper himself and would he comment?

Hon. Mr. Bennett: No, I have not read the newspaper myself. I have been aware for some time that this particular publication had three members of the Legislature on its board of directors or on its management team. On inquiring from people within my ministry and checking it through, it's still a bona fide publication as far as the media are concerned.

Hon. Mr. Davis: Some of your people are on it.

Mr. Lewis: What do you mean? That's what makes it bona fide.

Mr. Nixon: They interview each other.

Mr. Speaker: Order, please.

Mr. Eakins: Is the minister aware that up until last June the mailing address for the newspaper was the constituency office for the member for Downsview? Is the minister aware that the December issue, which shows Christie Street as being the address, still has the return address as the hon. member's constituency office? Would the minister comment please?

An hon. member: Oh!

Mr. Nixon: Why don't you give them money?

Mr. Eakins: That's right. Has the minister read the newspaper?

Hon. Mr. Bennett: No, I have not read the newspaper.

Mr. Eakins: I think you should.

Hon. Mr. Bennett: It's been drawn to my attention, may I say. But even the Leader of the Opposition is aware of the fact that three of his members happen to be associated with that particular publication.

Mr. Reid: It's all right for them—

Mr. Eakins: But has the minister read the paper?

Hon. Mr. Bennett: No, other than I've been told that the editorial seems—

Mr. Eakins: You should get a subscription.

Hon. Mr. Bennett: —to relate to a certain political party in Ontario that is not for the free enterprise system but which is obviously willing to accept a profit in the operation of that particular function.

Mr. Reid: It's called living off the avails, I think.

An hon. member: They're prepared to take public funds, aren't they?

Mr. Reid: It's sort of don't do as I do, do as I say.

Mr. Spence: Shenanigans.

Mr. Eakins: Does the minister approve of this advertising?

Hon. Mr. Bennett: If there is some use of public funds for a constituency office, which is also being used as a mailing address or as the head office for this publication, I would say the responsibility should be directed to you, sir, as the Speaker of the Legislature.

Mr. Eakins: Is the minister in charge of the funds?

Hon. Mr. Bennett: As to the editorial content, we are aware of what it relates to. We still feel it is a publication that circulates in a given portion of Metropolitan Toronto. The ministry, through its advertising agency, believes the paper should still be awarded ad-

vertising from the government of Ontario in the information programme.

Mr. Eakins: I'd like a donation for my brochure then.

Hon. Mr. Bennett: I beg your pardon?

Mr. Foulds: Don't you send out a member's report?

Mr. Speaker: Order, please. Is this a question?

Mr. Cunningham: By way of supplementary, what is that advertising agency?

Hon. Mr. Bennett: It's Foster Advertising. If the member would look it up, that is part of the overall advertising programme. It is not the one he'd like to think it is.

Mr. Peterson: Who is that?

Interjections.

Mr. di Santo: On a point of privilege, I should say, Mr. Speaker, that the newspaper in which I am involved, whose name is Forze Nuove, hasn't been published since June because of lack of funds. I think we should have more advertising from the government.

Interjections.

Mr. Reid: You've got to give them credit.

Mr. Breithaupt: Only in the public interest, of course.

Interjections.

Mr. Speaker: Order, please. We cannot hear the hon. member.

Mr. di Santo: I should also bring to your attention, Mr. Speaker, that our paper—and when I say "our", I mean a group of progressive people in Toronto who do not—

Interjections.

Mr. Speaker: Order, please. The hon. member is supposed to be speaking on his matter of privilege.

Mr. di Santo: I'm trying, Mr. Speaker. The paper was set up by a group of people with non-profit purposes, and the reason the mailing address was in my office was that before the constituency office was founded, I still rented that office with my riding association, through the money of the riding association. So I think the comments of the hon. member are completely irrelevant.

Mr. Reid: You would.

Hon. Mr. Rhodes: No, no, right on.

Mr. Reid: If it was Liberal or Conservative, it would be headlines in the Star.

Mr. Speaker: Order, please. Order, please. This is getting to be a debate now. I understand the mailing address has been changed, so I'm interested in that bit of information.

Mr. Reid: The December issue for 1976—

Mr. Speaker: All right. Thank you very much. We'll check into that matter.

TORONTO WORKSHOP THEATRE

Mr. Foulds: A question of the Premier in the absence of the Minister of Culture and Recreation (Mr. Welch): Is the Premier or the government aware of the threat to the Toronto Workshop Productions Theatre, which apparently may be demolished within a six-month period because of a development that is taking place in that area? Is there any way that the government, through a co-ordinated effort on the part of the Ministry of Culture and Recreation and the Ministry of Housing, along with municipal officials, can ensure a development will take place that will maintain the theatre in the location that it presently has, since the theatre has contributed so much to the development of theatre, not only in Toronto but in Canada, and is internationally known?

Hon. Mr. Davis: Mr. Speaker, I notice the Minister of Culture and Recreation is at this moment going to have a conversation with the House leader of the member's own party, and perhaps when that conversation is finished he may be in a position to answer that more directly. But in case the conversation with the NDP House leader does not allow the Minister of Culture and Recreation to be here to answer directly, I will discuss it with him. One of us will have an answer for the member some time early next week.

Mr. Foulds: In a supplementary directed to the Premier that the Minister of Culture and Recreation can overhear—

Hon. Mr. Davis: I don't like the word "overhear," but he certainly can hear.

Mr. Foulds: —does the Premier not think that if it is a viable and just expenditure of funds to save the arenas of the province—and I think it is—it is also a viable and just expenditure of provincial funds to save so valuable a theatre?

Hon. Mr. Davis: Mr. Speaker, I really don't want to go into a long dissertation as to this government's record in the promotion and development of cultural events and attractions—

Mr. S. Smith: Take 10 seconds and give us the whole thing.

Mr. MacDonald: Do you always emphasize the irrelevant and discard the relevant?

Mr. Reid: The way you people dance around the answers, you make the National Ballet look like amateurs.

Hon. Mr. Davis: —but I certainly would be proud in so doing, because it is a record that I think bears repetition time and time again. I'm sure the hon. member is aware of just how much we have done as a government in terms of the development of theatre, the ballet, the art galleries, the museums and so many of these cultural things.

As it relates to this particular theatre, I will discuss it with the Minister of Culture and Recreation.

GAME BIRD HATCHERY

Mr. O'Neil: Mr. Speaker, I have a question of the Minister of Natural Resources. I wonder if the minister could tell us what the intention of his ministry is concerning the Ontario Game Bird Hatchery at Codrington?

Hon. Mr. Bernier: Mr. Speaker, I will get the information and be glad to give it to the member.

PELEE ISLAND POLICING

Hon. Mr. MacBeth: Mr. Speaker, the Legislature will recall that on Friday last the member for Essex South asked a question about policing services on Pelee Island. I have reviewed the situation and am able to provide the following information:

The incident that prompted the member's question was an alleged assault on a Pelee Island resident by four young people. The resident telephoned the OPP detachment in Essex at 6:45 p.m., Saturday, November 20, and identified the youths, asking to see an officer that evening in order to lay charges.

At 7 p.m., the corporal at the detachment was made aware of the occurrence and attempted to contact Constable Sheppard, who was the officer on Pelee Island throughout the summer months. The corporal reached Constable Sheppard at 12:30 a.m. on November 21, and instructed him to attend to the matter that day.

Approval was given for a chartered flight to the island but due to weather conditions Constable Sheppard was unable to go. He attempted to telephone the complainant on Sunday morning between 8:30 and noon but was unsuccessful. However, he was able to reach the township clerk and requested her to contact the complainant and to say that he would take the ferry from Kingsville and arrive at the island at 7 on Monday morning.

Constable Sheppard did reach the island at that time. Private informations were subsequently laid against the four youths and the complainant is satisfied.

Considering the weather conditions, the OPP acted as quickly as possible. The chartered flights which are available to the force do not fly at night except in extreme emergency. They do not fly in unfavourable weather because there is no instrument landing equipment at Pelee Island airport. There is a scheduled airmail flight to the island every day except Sunday, the day Constable Sheppard needed transportation. Weather conditions prevented the ferry from operating on that day as well.

Because of the small number of residents on Pelee Island during the winter, the force does not maintain full-time personnel there between October and April. During the rest of the year, an officer visits the island on a weekly basis unless called for a specific occurrence.

In view of the small number of year-round residents and the present budgetary constraints, it is not possible to justify a full-time posting. However, in view of the special problems on Pelee Island, I have requested the commissioner of the Ontario Provincial Police to review the force's procedures there and at the present time they are being stepped up.

SENIOR CITIZEN RENT SUBSIDY

Mr. Deans: Mr. Speaker, a question of the Premier: Does the Premier recall that during the last election campaign he said he would be prepared to introduce a rent subsidy programme for senior citizens? Given that we don't seem to be able to build a sufficient number of units to accommodate all those who are in need, would the Premier consider introducing that rent subsidy programme now in order to alleviate some considerable hardship felt by a great number of seniors in the province of Ontario?

Interjection.

Hon. Mr. Davis: I don't recall the exact reference. I can recall many things said during the last election—

Mr. Deans: Does the Premier remember the times when he thought he was going to lose?

Hon. Mr. Davis: —both by me and many others, I might add.

Mr. Peterson: If you can't answer that one, answer any other problems.

Mr. Speaker: Order, please.

Hon. Mr. Davis: If that is a supplementary from the member for London Centre, I can remember some of the things he said which I know now he wishes he hadn't.

Interjections.

Hon. Mr. Davis: This is no place for him to start his leadership campaign. Do it outside the House.

Mr. Lewis: You are feeling expansive, aren't you?

Mr. Speaker: Order, please.

Mr. Breithaupt: We can't have politics in here.

Interjections.

Hon. Mr. Davis: I told the member for Kitchener that he should have been in the campaign. Does he remember my telling him that?

Mr. Breithaupt: With my luck, I would win.

Hon. Mr. Rhodes: With our luck, you would.

Mr. Speaker: Order, please.

Hon. Mr. Davis: Mr. Speaker, that has to be the most revealing statement of the morning.

I will take a look at what I said and see whether I can explain it early next week in words which will be understood. I don't think I really referred to a rent supplement. I think there were one or two other ideas but I will check very carefully because I wouldn't want, in any way, to state something here this morning that wasn't said a year ago last October.

Mr. Peterson: Get on to other problems—don't worry.

SEVERN PARK DEVELOPMENT

Mr. Riddell: A question of the Minister of Natural Resources: Is the minister aware that the Ontario Provincial Police properties branch has chosen the Severn Park property for a new detachment office and is still awaiting word from the Ministry of Government Services as to whether this property could be acquired and that the OPP has still not been informed that this property has been given away by the minister?

Hon. Mr. Bernier: No, Mr. Speaker.

Mr. Riddell: Will the minister notify the OPP that this property has been given away? Will he inform this House as to who runs the show over there—the cabinet ministers or the minister of all portfolios, Lorne Henderson?

Hon. Mr. Bernier: Yes, Mr. Speaker.

Hon. Mr. Davis: He does upset you, doesn't he? You shouldn't let him get to you.

Hon. Mr. Bernier: A big man, a big responsibility.

FOOD SERVICES STAFF

Ms. Sandeman: A question of the Minister of Government Services: Is the Minister of Government Services aware that women employed as waitresses in the dining room and the snack bar of the Legislative Assembly are now earning less on an annual basis than they were in October, 1975?

Hon. Mrs. Scrivener: Mr. Speaker, I am not aware of this but I think perhaps this is a matter to be referred to the Board of Internal Economy. The dining rooms are under the Speaker's jurisdiction.

Mr. Nixon: It is those big tips.

[10:45]

Ms. Sandeman: A supplementary: Would the minister undertake to look into that and bring it to the attention of the Speaker? The things she should be looking at are practices which I believe are unfair to those employees. Is she aware, for instance, that last year employees were paid for holidays and this year they are not? Now they are being asked to pay for food. I think perhaps she could take this matter under advisement, as she is responsible for employees in this building.

Hon. Mrs. Scrivener: Mr. Speaker, I am entirely sympathetic with this impassioned appeal but I have no jurisdiction.

HYDRO POWER REDUCTION

Mr. B. Newman: I have a question for the Provincial Secretary for Resources Development: In light of the announcement by his colleague the Minister of Energy (Mr. Timbrell), that due to technical difficulties we had brownouts last night, would the minister request him to look into the feasibility of reopening the J. Clark Keith generating station so that we would overcome any future technical difficulties and see there is sufficient power for the province of Ontario?

Hon. Mr. Irvine: I will be delighted to discuss the matter with my colleague.

Mr. B. Newman: Thank you.

CONFLICT OF INTEREST

Mr. Swart: Mr. Speaker, I wanted to ask this question of the Treasurer (Mr. McKeough) but I will direct it to the Minister of Housing. Is the minister going to investigate, or ask the Treasurer to investigate, the apparent conflict of interest of regional councillor Frank Landry, of Lincoln, as alleged by the CBC programme, Fifth Estate? The regional councillor is reported to have seconded motions to include within the Niagara region urban development boundaries—which are now before this ministry—certain lands in which he had a pecuniary interest without declaring such interest?

Hon. Mr. Rhodes: I appreciate the question will now be on the record, but I am afraid the member will have to refer that to the Treasurer for a response on the conflict of interest situation, if one exists. The other factor, of course, is that he places much more credibility in the Fifth Estate programme than I would.

Mr. Swart: A supplementary: Doesn't the minister think that with the Niagara urban boundaries now before his ministry—and the alleged conflict of interest could void those boundaries for a period of two years—he should make an investigation for his own purposes?

Hon. Mr. Rhodes: If the matter the hon. member has brought forth does have some bearing on what will eventually be developed as the official plan of the urban boundaries in the Niagara region, we will look into that.

MORTGAGE INTEREST SUBSIDIES

Mr. Sargent: Mr. Speaker, to the Premier: Due to the fact that during the past month or so we have been going through the public accounts and studying the $187 million bait of first-time home buyer grants in the last election, when is he going to make good his promise to provide a $500 per year income tax credit for homeowners with mortgages over 10 per cent? Is he going to put that into effect this year or is he going to warm it up for the next election, next April?

Hon. Mr. Davis: I would be very prepared to take the hon. member's advice as to which would be the most appropriate time. I certainly always do take his advice when it's relevant, which is rarely.

I would say to him that the suggestion, I think, is really one which in more affluent times is still worthy of consideration, although I would argue it should be a national programme rather than a provincial one. As the Treasurer has explained, and I have explained on a number of occasions, the financial constraints of the province, the economy at this moment, would not permit us to consider—

Interjections.

Hon. Mr. Davis: —what I think is a very worthwhile suggestion.

Mr. Speaker: The oral question period has expired. Before we go on to the next order of business—

Mr. di Santo: A point of privilege, Mr. Speaker.

Mr. Speaker: A point of privilege? The member for Downsview.

POINT OF PRIVILEGE

Mr. di Santo: I would like to point out to you, Mr. Speaker, that in the last issue of the newspaper to which the member for Victoria-Haliburton was referring, the only address is 580 Christie Street, Apartment 603. There is no mention whatsoever of my constituency office.

Hon. Mr. Davis: Look at the envelope.

Mr. Speaker: I am sorry, I couldn't hear what was said because there was a bit of background noise, but I shall refer to it in Hansard. Does the hon. member for Victoria-Haliburton have something to say on the same matter?

Mr. Eakins: Just to reply, Mr. Speaker, I want to point out that while the newspaper does show the Christie Street address, the

return address on the envelope shows the member's constituency office number.

Mr. S. Smith: And all previous issues showed that address.

Mr. Speaker: Thank you very much. It was pointed out, I believe.

SPEAKER'S RULING

Mr. Speaker: On Tuesday last the member for Wilson Heights rose on a point of order respecting remarks of the Premier on Monday.

Mr. S. Smith: The Premier is finished.

Mr. Speaker: Before dealing with the specific matter, I should again point out, as I intimated on Tuesday, that if something is said or some incident occurs which is in the opinion of any member out of order, he must raise the point immediately. It cannot be delayed 24 hours or more and then raised. Once the incident has been allowed to pass without objection or has not been caught by the Speaker, that is normally the end of the matter.

However, in view of the fact that this type of allegation has been actively before the House recently and now it has been called to my attention, I feel I should deal with it even though, owing to the uproar in the House at that particular time, I was unable to hear the exchange on Monday last.

I have now consulted Hansard, and I find that after the Premier had answered a question relating to the projected Reed Paper Company development in northwestern Ontario, and outlined the government's intention, Mr. Lewis is quoted as saying: "At any cost, eh? At any cost?" The Premier took objection to this remark, pointing out that it implied that his specific statement was untrue, at which time he used the expression: "And it is totally irresponsible, misleading to the House and to the public to create any other impression."

I call the attention of the House to standing order 16(a), paragraph 10, which states that it is out of order to charge another member with uttering a deliberate falsehood, and under this general prohibition it has been clearly stated, both in this House and in the Parliament of the United Kingdom, that it is unparliamentary to accuse another member of deliberately misleading the House. It is quite possible that the remark of the Leader of the Opposition carries an implication that the Premier was not telling the truth.

Mr. Deans: No, no.

Mr. Speaker: Order, please. In any event I suggest that it is very clear that the remark does impute an improper motive to the Premier.

Mr. Reid: The other way around.

Interjections.

Mr. Speaker: I refer you to standing order 16(a), paragraph 9. On the other hand, while the phrase "misleading to the House and to the public" does not by itself appear to be worded as an accusation of deliberate intent, I feel that in the context in which it was used it does carry that implication. In view of the recent occurrences, I think the members will agree it is time that they be more careful in their choice of words so that no improper implications may be presumed.

For the above reasons, I feel strongly that the whole exchange was improper and that both the Leader of the Opposition and the Premier should withdraw their remarks.

Hon. Mr. Davis: Mr. Speaker, I certainly wouldn't want to debate your ruling which I know you have reasoned through very carefully. I too have checked Hansard and I certainly would not in any way disagree with your observations, other than as I read what I said.

Mr. Nixon: You better quit while you are ahead.

Mr. Breithaupt: Just say you are sorry.

Mr. Speaker: Order, please. The hon. Premier has the floor.

Hon. Mr. Davis: I just want to make it very clear that when I suggested to the Leader of the Opposition—and I think there is a very distinct difference—

Mr. Lewis: I think there is a difference too.

Hon. Mr. Davis: I want to say at the outset that if you are suggesting to the Leader of the Opposition that he withdraw what he said: "At any cost, any any cost; yes", I am quite prepared to withdraw that part of my observation, where really I did not say to him that he was deliberately misleading the House —and I checked the grammar very carefully, which I don't often do—I said, "It is totally irresponsible of him," which I think you

would agree, Mr. Speaker, is parliamentary and factual in this case.

Mr. Reid: And normal.

Hon. Mr. Davis: I said that really it was "misleading to the House and to the public," which is not saying to the Leader of the Opposition that he was deliberately misleading the House.

I have checked certain parliamentary precedents and I would go back to the phrase used by Winston Churchill in the House of Commons where it was ruled proper for him to say that a statement made by one of his opponents represented a terminological inexactitude. That's the way I would describe what the Leader of the Opposition has said and I would be quite content to withdraw that part of my observations on the understanding, Mr. Speaker, that you're suggesting to the Leader of the Opposition, that what he says—"At any cost, at any cost"; which is not true—also be withdrawn.

Interjections.

Mr. S. Smith: Another of the Premier's finer moments.

Hon. Mr. Davis: Delighted to do it.

Mr. Lewis: On a point of order or privilege relating to your statement, Mr. Speaker, I must say I wish you hadn't given a clarification; I just want to offer that to you. I wish you hadn't clarified it because the interpretation which has been given to the exchange which occurred really bothers me.

As a matter of fact, I want to use this opportunity on the point of order to say that I regretted, at the time and subsequenly, the use of the phrase "at any cost, at any cost", because I meant something quite different, as I expressed it, from the interpretation which the Premier put upon it—although I understand, in the context of that exchange, why the Premier would receive it that way and why he said what he did. In the fracas I missed the precise words. In the nature of this Legislature, I didn't feel called upon to rise at the moment and ask him to withdraw.

I'm quite happy to leave it that way at this time although I must say, Mr. Speaker, that your interpretation of that event imposes constraints upon some of the exchanges of the House or makes imputation of motive or intent which is really quite astonishing. I don't think that the clarification has helped very much at all although I appreciate your taking the time to do it.

Hon. Mr. Davis: May I say on a further point of order—I don't want to prolong this—I accept what you have said and I'm really very encouraged by the observations of the Leader of the Opposition. It was not my intent to suggest he was deliberately misleading the House. I may say certain things outside the House—that's a different situation.

The reason I am acquiescing, Mr. Speaker, is that I sense in the past two or three weeks, in the very difficult discharge of your responsibilities, you are attempting to bring a slightly greater degree of order to this assembly, to ensure that all of us recognize, in whatever language we use, that there could be interpretations put upon these words which were not necessarily intended. It is with that general feeling, Mr. Speaker, that you are attempting, for all of us, to give some greater direction to the deliberations of this House—

Mr. Nixon: What are you trying to say?

Hon. Mr. Davis: —that I am not objecting, obviously, to your ruling. I'm delighted to hear the Leader of the Opposition say he didn't really mean what he said, as I interpreted what he said, by "At any cost, at any cost."

Mr. Lewis: Yes, I meant something else.

Hon. Mr. Davis: Certainly I'm quite prepared to leave the word irresponsible but take out misleading.

Interjections.

Mr. Lewis: I accept that sense of charity from the Premier willingly. Anything as mild as mere irresponsibility attributed to the Leader of the Opposition by the Premier is welcome.

Hon. Mr. Davis: One would think it was December 24.

Mr. Lewis: I want to say, in return, in this friendly way—and I'm hesitant about being friendly because I know how hard you're working at creating a division between us—

Hon. Mr. Davis: I am not. I don't have to work on it.

Mr. Lewis: I can say in this friendly way that, in fact, in terms of strict grammatical usage, the Premier is quite right. There is important difference between misleading the House and misleading to the House. In order to restore our spirit of mutual equanimity and friendship, I thought I'd point that out on his behalf.

Mr. Speaker: Thank you both, hon. gentlemen.

Mr. Kerrio: They never said anything.

Mr. Ferrier: This is too much.

Mr. Reid: Mr. Speaker, could we have a clarification of all that, please?

Mr. Speaker: Not from me.

Mr. Breithaupt: Perhaps they could have breakfast together at the top of the CN Tower.

Mr. Speaker: May I finalize this exchange by repeating one sentence in my remarks which was a bit of an admonition, I think, to everyone. In view of the recent occurrences, I think the members will agree that it is time they be more careful in their choice of words so that no improper implications may be presumed. Thank you.

Now, we'll have petitions.

Mr. Foulds: Round two?

Mr. Speaker: No.

Presenting reports.

REPORTS

Mr. Kennedy, on behalf of Mr. Villeneuve, from the standing social development committee, presented the committee's report which was read as follows and adopted:

Your committee begs to report the following bill without amendment:

Bill 139, An Act respecting Employees' Health and Safety.

Ordered for third reading.

Mr. Speaker: Motions.

Introduction of bills.

[11:00]

Hon. Mr. Welch: Mr. Speaker, before orders of the day, I wonder if I might use this opportunity to share with members of the House the tentative schedule for next week.

On Monday afternoon, we thought it might be wise to take into consideration the interim report of the select committee on highway transportation of goods. So with the concurrence of the House will you put that on the order paper and call for that discussion on Monday afternoon? At 5 o'clock, of course, it will be private members' hour and it will be the turn of the official opposition. There will be no House on Monday evening.

On Tuesday we will hopefully complete the supplementary estimates of the Ministry of Health and then proceed with second readings of Bills 171, 168, 169, 135 and 176, and if time remains we then go into committee of the whole to consider Bill 139 clause by clause.

Wednesday being committee day we then go to Thursday. On Thursday we hope to call for second reading of Bill 170 and then go back into committee of the whole to complete Bill 139, if necessary, and possibly get started on Bill 131 if it is available.

On Friday we would continue with work in committee of the whole if it is required.

Perhaps it would be well to serve notice now that maybe as early as next Friday, but certainly the following Monday we would then be ready to take into consideration order No. 30, which is the motion for adoption of the second interim report of the select committee on the fourth and fifth reports of the Ontario Commission on the Legislature.

If there are no questions, then we might call the order.

Mr. Speaker: Orders of the day.

CREDIT UNIONS AND CAISSES POPULAIRES ACT

Mr. Drea, in the absence of Hon. Mr. Handleman, moved third reading of Bill 97, The Credit Unions and Caisses Populaires Act, 1976.

Mr. Speaker: Does the hon. member for Oshawa wish to make a comment?

Mr. Breaugh: There was a question raised when I chaired that committee that one subsection had been omitted in some form in the printing. I would just like to have the assurance of the Chair that that has been included in the printing—I believe it was section 70, subsection (2). It was pointed out by one of the members of the committee that they couldn't find it yesterday and I just want the assurance that that has been included. Has it?

Mr. Drea: Mr. Speaker, that section is in. There was a suggestion yesterday that it had been deleted; but it's there, section 70(2).

Motion agreed to.

THIRD READINGS

Bill 149, An Act to amend The Municipal Act.

Bill 150, The Regional Municipalities Amendment Act, 1976.

Bill 151, An Act to amend The District Municipality of Muskoka Act.

Bill 152, An Act to amend The Municipality of Metropolitan Toronto Act.

Bill 153, An Act to amend The County of Oxford Act, 1974.

CONCURRENCE IN SUPPLY

Resolutions for supply for the following ministries were concurred in by the House:

Ministry of Natural Resources;

Ministry of the Attorney General;

Ministry of Labour;

Justice policy;

Ministry of Energy;

Resources Development policy;

Ministry of Industry and Tourism;

Ministry of the Environment;

Supplementary supply for the Ministry of the Environment.

BUDGET DEBATE
(continued)

Resumption of the adjourned debate on the amendment to the amendment to the motion that this House approves in general the budgetary policy of the government.

Mr. Deans: I don't intend to go back to what I said last night other than to make one brief comment on the procedures in the House. Today was another example of what worries me. I do think there was a time—Mr. Speaker, before you leave—when the House had a House committee which spoke about rules and talked about the way the rules might be applied. I would like to suggest to you, sir, as you make your way slowly to your chamber, that you give consideration to such a House committee to review certain of the rules and the way they're interpreted in order that we not only understand them but have some agreement on what the interpretation ought to be, given that it's always difficult to interpret rules strictly from the language contained in the rule book.

As I was saying last evening about the rent control legislation, I found the whole matter puzzling. It concerns me that the administration of rent control is, if not aimed at certainly accomplishing, the destruction of the relationship between landlord and tenant, even though those landlord and tenant relationships may not have been the best prior to legislation having been brought in.

I was raising with the House a problem which had occurred, the solution to which I found to be amazing, to say the least. Last evening I pointed out that a constituent of mine had applied to the rent review board for a hearing on a proposed rental increase from $180 to $246, and that at the hearing it had been reduced to $189 or $195. My recollection of the actual amount isn't clear. The landlord had subsequently appealed that decision and during the time the tenant was on vacation the hearing took place. The landlord was granted the entire amount he had requested, about $246.

It puzzled me because there was no rationale or explanation for the decision of the board in the second instance. I wrote to the head office of the board in Toronto asking if they could provide me with the statistical information which would justify the latter decision. Without any reply with regard to that particular letter, they decided, for reasons I don't understand and I'm sure no one else understands, to reduce the awarded amount from $246 to about $220.

If that's the way the rent review procedures are going to work, they are not working to the benefit of the landlords, to the benefit of the tenants or toward the fairness of the way we hoped the law would be applied in the province of Ontario.

If it's simply a matter of a member of the Legislature writing to the board and expressing his or her discontent or sense of upset with the level of rent being allowed, and if that in itself is sufficient to bring about a reduction, I've got to say that the procedures set out are in desperate need of review. I want to suggest that ought to be done.

I want to suggest one other point with regard to the rent review procedure. On a number of occasions I've raised with the Minister of Consumer and Commercial Relations (Mr. Handleman), the problem that I believe we will be faced with come August 1977. I don't yet understand the minister's answer and I've gone through this with him now on at least three occasions. If the law expires at the end of July, 1977, how can a tenant faced with an additional rent increase in any of the months after July, 1977, but within 12 months of the original increase having been enacted, appeal under the law which now exists but which will expire, that the landlord has broken the law?

What court can a tenant go to to have enforced a law which is no longer a law in the province of Ontario? I say there is a need

in this Legislature for the Attorney General (Mr. McMurtry), perhaps, or for the Provincial Secretary for Justice (Mr. MacBeth), to explain to us what the protection will be. What is the nature of the protection tenants will have when the law currently in force expires at the end of July, 1977, given that the landlord decides to impose a further rent increase in August or September or October, within the 12-month period which would have commenced when the last increase was either approved or put in force?

I can't understand how we can expect the law officers of the Crown or for that matter the judges of the province of Ontario to take into account and to enforce a law which is no longer a law in the province. Maybe somebody in this House can explain to me what the nature will be of the protection that will be afforded to tenants starting on August 1, 1977. How are we going to combat the attempts which will be made—and there's no question they'll be made.

It's not hypothetical because landlords are currently asking tenants to sign six-month leases which will expire at the end of July. It's not a hypothetical question and I want to know the answer. I want to know what this government is going to do to protect the tenant against those rent increases. This Legislature quite clearly set out that we intended that tenants would not be faced with more than one rental increase during any 12-month period and that should extend beyond the period when the law is finally rescinded.

I would appreciate it if either the Attorney General or the Solicitor General—I realize he didn't hear what I said—would take a look at the Hansard, take a look at the situation which I believe will exist and explain at some point, in some reasonable language, how tenants are to be protected, given that the government may or may not extend the rent review or the rent control legislation. How will they be protected from further rent increases after July but during the 12-month period commencing when the last rent increase was approved?

I don't understand it and I don't see how the courts can interpret a law which is no longer on the statute books. That's what I have been trying to ask the Minister of Consumer and Commercial Relations for about a month. He keeps telling me, "Don't worry about it. We're going to protect the tenants."

[11:15]

I've got to be honest with the members. That's just not enough. He keeps telling me that the Legislature intended that they would be protected. But you know as I know, the judges don't read what the Legislature intended. They can only interpret what the law says. They're not in a position to interpret laws that don't exist. And they're not required —maybe they should be but they're not— to read the debates of the Legislature. In fact, maybe they shouldn't; it might be in the best interest to save them from that—

Hon. Mr. McMurtry: Cruel and unnatural punishment.

Mr. Deans: Punishment. Yes, I think you probably would be right.

Anyway, I ask that question again, and I ask one of the two ministers who are involved in the Justice field to please explain the legalities of it, in order that those of us who have to explain to tenants across the province where they now stand will be able to do so in a reasonable and understandable way.

I want to leave that topic, though there is much more to be said and my colleague the member for Ottawa Centre (Mr. Cassidy) intends to say much more, I'm sure. I want to turn to the Hamilton-Wentworth regional government for a moment—and it'll be just for a moment.

Three years ago when that legislation that we passed in the spring of 1973, I believe— or was it 1972, perhaps?—finally became enacted, we asked questions, I personally asked questions, about how we would determine the benefits over and against the additional costs. It was evident to me, and I think evident to most who reviewed the legislative process and the legislation as it went through, that if you are going to impose another level of government somewhere between this level, the provincial level, and the municipal level itself, the individual municipality, that you can't do that without additional cost.

We suggested that there should be a continuous monitoring or review of the additional costs, over and against whatever the benefits were or were perceived to be, and that there ought to then be adjustments made to make sure that the public wasn't paying for things which it neither was getting nor had any reason to expect it might get.

I spoke at that time about the more rural areas of the Hamilton-Wentworth region, and I'm not about to go on a witch-hunt with regard to the regional council. I suppose the regional council works just every bit as hard as I do and they try, just as we try, to do things properly. But I said then and I say again that the implementation of regional government has added to the cost burden of the

majority of citizens and I do not—not to this day—see one single benefit that has flowed from the implementation.

I see considerable additional cost and I predict that over the next two years, given that this will be the final two years of the five-year transitional grant period, that the cost to the local taxpayer of regional government in the municipality of Hamilton-Wentworth will continue to rise. Common sense tells you that if the government is paying a transitional grant and that that grant is set out for a five-year period, in ever-diminishing amount, that at the end of five years the municipality and therefore the municipal taxpayers are going to have to assume as their obligation the costs that that transitional grant may well have paid for during its lifetime.

And so therefore, it is now time for this Legislature to conduct a fair and reasonable review of the costs and the benefits of regional government, and to set out for the public, over whom we appear to have some jurisdiction, whether or not there are any benefits that are commensurate with the additional cost. If there are not, do not be afraid to step back and to say that we perhaps made a mistake—we being the government, because I want to make it clear that I predicted that there would be additional costs in the first place, and I also predicted that there would be few, if any, benefits.

I want to suggest to you, Mr. Speaker, that we have an obligation. We can't simply continue to impose more and more and more costs on people, unless there are benefits that somehow or other relate to these additional costs. And I don't happen to believe that in the area I represent—I can speak for no other because I haven't studied it—but in the area I represent I don't happen to believe that there are, in fact, any benefits that you could identify as having been benefits which flowed from the implementation of that particular regional government unit and that would justify the additional cost to the taxpayers.

I appreciate that inflation and increasing costs have made taxes higher but I don't believe that has been the only contributing factor, and I do believe that regional government has contributed significantly to the added cost, and I do believe that we have to be fair with the taxpayers. If in fact they are paying too much and getting not enough, then we have to be forthright and deal with the problem and try to find the solution.

I want also to say that, as I predicted on behalf of my constituents, I could see where there would be very little opportunity for those residing in Blackheath and Winona and the far reaches of my constituency, I predicted they would have to pay more and they wouldn't expect to get any more though they perhaps might not get less.

Well if one was to listen to them, as I do, on a day to day basis you would get the impression they are not even getting as much service as they once got; but they are paying more. I believe that we have to conduct a survey, a reasonable cost-benefit analysis, and determine whether or not we can somehow or other streamline the operation in order to bring the benefit and the cost more into line with the capacity of the people to pay.

Let me tell you that in the area of Binbrook, for example, the only thing that has changed that is of any significance since the implementation of regional government has been that they are going to get the landfill site stuck out in the middle of their community.

I want to tell you that if someone had said to them on the day that regional government was being implemented that one of the benefits they could expect was that all of the garbage of Hamilton and the surrounding area would be dumped in their backyards, I think they might not have accepted it. I think they might have said, "No, thank you very much, we prefer not to have that." I think that's where the problem lies.

I think also there is a clear need to reassure the more rural communities that they are not going to continuously have to bear the burdens without deriving some of the benefits.

Just the other day, the Hamilton-Wentworth regional government finally came to a decision and a conclusion with regard to regional transportation. They have now submitted to the minister—in fact they submitted some considerable months ago or more—the draft legislation which might be required in order to implement regionalized transportation for the area. The minister responded, I believe it was on about Tuesday of this week I would guess, that it might not happen this session. That means that if it doesn't happen this session, it won't happen until next spring. All of the effort that has gone in to coming together and trying to produce a regional transportation system will be further thwarted by the slowness of the Ministry of Intergovernmental Affairs in bringing forth the necessary legislation to put into practice that for which the municipalities themselves have asked.

I urge the Treasurer to move more swiftly and to bring in the legislation, since in fact

it is already drafted anyway; to bring it in and let's deal with it now before we rise during this session or the chances are that it may not be dealt with at all during the life of this Legislature.

To turn to another topic very quickly, I had intended to raise again with the Minister of Health, the matter of the east end hospital, but after the discussions that he and I had the other day I am satisfied the matter is being looked into and I expect to see some concrete plan for the provision of this health care facility some time before the early spring of next year; in fact I would like to see it before the end of this year.

Today I raised with the Premier (Mr. Davis) what I recall to have been a commitment made by him with regard to senior citizens and the problems which confront them as they attempt to raise a sufficient amount of money from their inadequate pensions to pay the rentals charged in many of the accommodations across the province. In particular I want to suggest to the Premier and to the government, that since we appear to be incapable of producing a sufficient number of senior citizen units geared to income, that we have to take a look at alternative ways of ensuring there is a sufficient amount of their income left over after they pay rent to meet their legitimate needs. It can ge done one of two ways. The government is either going to raise their income by way of additional subsidy or it is going to introduce a programme of rent supplement. Within reason, regardless of the accommodation they have and recognizing our obligation to them as the people upon whom this nation was built, it was from their effort and their industry, we ought to introduce a rent subsidy or supplement programme to ensure they will pay no more out of their income than those fortunate enough to get into rental accommodation under the senior citizens' programme are required to pay out of their income.

I don't think anyone in the province of Ontario would quarrel with that. I doubt very much if there are many citizens who would feel that was a waste of the tax dollars of the province. I think the majority of citizens would feel that was a just reward for years of hard work and effort during periods when pension plans were either non-existent or very small, and these people worked in conditions and over long hours, considerably different from those in existence today.

I urge the government to bring in the programme of rent supplement for senior citizens. Allow them to continue to live in the accommodations they are now living in; continue the programme of building new units as quickly as we can; recognize that for many, the remainder of their years ought to be spent in some reasonable enjoyment and that they ought not to have to live like paupers in order to be able to pay their rent and buy their food.

I suggest to the government that's one of these commitments that was made during the last moments of the last election when it looked very much as if the Premier and his cabinet and his government were in serious political difficulties; that he not now renege or backtrack, that he undertake that.

Along the same line, I want to suggest, on behalf of some who live in my own constituency, that there is an evident need, documented now, for an additional unit of senior citizen accommodations. The government should review that and undertake it immediately in order that the people who live there, and who have lived there for years and who have contributed significantly, can enjoy the benefits that are available to many others in the community.

I am also a bit concerned about the rather dramatic downturn in the quality of the service provided by the Workmen's Compensation Board. I am pleased the Minister of Labour is here, because one evening last week when I suggested there were long delays in the payments being made to those who had made claims under the WCB, she seemed to indicate she doubted that that was true. It was somewhat heartening, although upsetting to me, the following day—

Hon. B. Stephenson: For the vast majority it is not true.

Mr. Deans: I didn't say anything about the vast majority. I will come to that. I am not quarrelling with that.

The very next morning in the paper, unbeknown to me, there was a story of a man who had been waiting some 10 weeks for his payment. I appreciate that in the vast majority of cases it's a routine matter and the case goes through fairly swiftly and payment is made. I concede that. If it wasn't that way, then we should tear the whole place down. Quite obviously, there are any number of routine cases and they should go through as routine cases. But that's not the problem.

[11:30]

There are few people who work in a plant or an office in this province who can afford to wait for two months in order that there be adjudication of their claim. I don't know,

quite frankly, of any who worked or who were involved in the same kinds of circumstances that I was in, who could go for eight weeks without money. I know a great number of people across this province who still feel as I do, and as I know many others do, who feel a bit reluctant to go down to the welfare office. In spite of the best efforts of many, there is still a sense among a great number of people that they don't want to go down and get welfare. Maybe we created that stigma and maybe we have to work, as we are working now, to try to eliminate it. Nevertheless it is still there, and to deny it would be wrong.

I have men and women coming to me who have waited six, eight, 10 and sometimes 12 weeks—and, on occasion, even longer—without getting their money from the board. If, as the minister says, in the vast majority of cases it is a routine matter and they get payment fairly swiftly, then that should free some of the hundreds of people who work up there to do an on-the-spot, immediate check to find out what it is that is wrong in the other cases. No one should have to wait more than a month in order to get a decision on whether their claim has been accepted or rejected. No one should have to wait more than a month.

When I make inquiries on behalf of constituents, I find the board telling me that they can't find the file; that is the most common complaint, that the file is out. I'll be damned if I can understand a system where, when a file is out, you can't look at a card and find out where it is. I don't think that is too difficult to ask. Beyond that, when I make an inquiry some seven weeks after the constituent has made the original claim, we're told: "Oh, yes, we are going to have an investigation."

What do they mean, they are going to have an investigation after seven or eight weeks? Immediately it showed up in the system that the claim hadn't been paid—that would be within three weeks—the investigation should have commenced. There should be a sufficient number of bodies in order that someone can go out to visit the doctor, the employer and the employee, and ascertain on the spot the validity of the claim and then make some adjustment in order that payment can be made. Either that or the employee is told immediately that the claim has been denied for those reasons, whatever they may be, and an immediate effort is made to ensure that a hearing can be conducted as quickly as is humanly possible.

We are talking about dealings between human beings. We are not talking about the bureaucracy. We are not talking about the filing system. We are not talking about the building and the quality of it. We are talking about people who need money, and who through no fault of their own find themselves unable to work. I will never understand how it can be that 16 weeks can go by without payment.

Whatever else she does in this ministry, I say to the minister, for goodness' sake, go up to the Workmen's Compensation Board and make it known to them that we in the Legislature do not accept, nor can we or will we accept, that there is any need in this province for a person to have to wait for months in order to receive compensation cheques, because by the time they get their compensation cheque they are so deep in debt that they cannot then get back to the financial position that they were in prior to the injury occurring. I urge her most sincerely to do that.

If there is one thing that has aggravated me more than any other it is the long delays in the adjudication of claims before the board. I know the minister has paid some attention to it, but I would ask her to pay particular attention to the problem areas. It is how we deal with the problem areas that is the measure of the quality of the service that we provide. Anybody can run the run-of-the-mill case through the computer. It's the difficult case that shows our concern and compassion and understanding. That's the case that I talk about today. It is very difficult to say to a person whose rent is due and who doesn't have any money that it's quite unfortunate; and how often I've dug in, as many others have, into my own pocket to try and help them out, but we can't do that indefinitely. We get hassles from the welfare offices because they want to be sure that the claim will finally be approved and it's difficult to get that kind of answer from the board, and the people are left in a position where their income is drastically reduced and their self-worth is brought into question. I think that that's a very difficult thing for most to overcome.

I want to, in passing, say to the Attorney General who is talking very earnestly with his parliamentary assistant—that in watching the courts of the province of Ontario I get the distinct impression that there's a great deal of inconsistency in the way the various courts deal with situations which at least to the public appear to be similar in nature. There's one particular thing that worries me, and I speak

only as an individual; and if I could have the Attorney General's ear for just a moment I won't take long. I realize I've no right to demand it and I wouldn't want to impose on him, but if he could listen for a second? Thank you.

I want to say something to him about justice, and I don't pretend to have any great background in the field of justice, but something has bothered me for years and I speak for myself and for no one else at this point.

I don't understand why we find it necessary to put the names of accused people into the newspapers and in the media. I don't understand that. I can appreciate that after a person is convicted, then the conviction is registered and their name may appear in the public record and is, therefore, open for anyone to see. But I really wonder if justice is well served by putting out all over the newspapers and in the television newscasts and on the radio the names of people who are charged with offences and who may, in fact, be innocent. I know in Britain, in Scotland in particular, the normal practice has been not to name the person at the time of charging, but rather to wait until some later time before their name be used.

I can appreciate that there may be arguments, and some of my colleagues will make them, I'm sure, in favour of the system as it prevails. I'm personally worried about it. I think that it works a hardship on the family, an unnecessary hardship. I think that quite frequently the use of the names in the articles that are written, even though innocence is finally proven many weeks or months later, has a detrimental effect perhaps throughout their entire life. It affects the children, it affects the relationship between those children and other children, it affects the relationship between the spouse and other people in the community and in the family, and while I'm prepared to say that there may be good arguments to be made on the other side, frankly I don't subscribe to them in total.

I think that we have an obligation to protect the innocent, and if our law system—

Mr. Grossman: Does the member for High Park-Swansea (Mr. Ziemba) hear that?

Mr. Deans: I'm not interested in finger pointing; I'm not finger pointing at the moment.

Mr. Grossman: I just want him to hear this.

Mr. Deans: That's okay, but I'm talking about me, okay?

I think if our system of justice believes that people are innocent until proven guilty, I don't think that's how it's viewed outside. I doubt very much if the public believes that people are innocent until proven guilty. I think that the majority of people, for their own good reasons, think that once you're charged, by God, you must have done something or you wouldn't have been charged in the first place. Quite frequently that's not true.

It doesn't speak to the problems, which aggravate me no end, of lawyers making arguments which I think are false and misleading; and of clients who from time to time get off with things on which they ought to have been charged and convicted. It doesn't speak to the problems of the courts and the fact that many Crown attorneys offices take the easy road out rather than going ahead with the charges which ought to be proceeded with in an effort to be fair to the public as well as to the person who has been charged. I don't want to go into that at this point but during the next estimates, I hope, I will have the time to talk about it.

I really do think we should give some serious thought to how we protect people who have done nothing wrong, other than they may have been in the wrong place at the wrong time. They end up having to try to live down the stigma that attaches itself to having been charged in the first place. I put it to members as a person who has given a lot of thought to it but who understands that there are many legal arguments from the other side.

Hon. Mr. McMurtry: Not legal arguments. I share the member's concern, Mr. Speaker, and I communicated those very concerns to a group of senior editors in this province two weeks ago in London. Their view was that the public's right to know superseded those concerns he has expressed and which I share to an almost total extent.

Mr. Deans: I appreciate hearing the comment. The public's right to know, of course, is very important, I understand that. But the public's right to know that one has been charged is somewhat different from the right to know that one has been convicted, in my opinion. If one has been convicted part of the penalty in this society is that one's friends and neighbours and everyone else finds out. That's okay; I guess that's the penalty one pays for breaking the law but one shouldn't

have to pay that penalty if one didn't break the law.

Much of the publicity is given to the charge and considerably less to the outcome. I'm not talking about murder cases; I'm talking about other matters. I'll give an example—this is a very difficult example; not the best one—one reads of a young man being charged with rape and subsequently found not guilty.

His neighbours, most of the families of his friends and most of his acquaintances withdraw from the relationship because they think there must have been something more to it. I think that's a natural reaction. Frankly I think we have to try to protect the innocent, and some of the innocent are the ones who are charged.

I ask members to give some more thought to it. I want them to understand that I speak for myself. I speak for no one else; I don't know who else shares my views but that's my opinion.

Hon. Mr. McMurtry: I would be interested to know if the hon. member would share his views with the members of his caucus?

Mr. Deans: I do.

Hon. Mr. McMurtry: I would be very interested to know whether or not the official opposition had been able to reach a consensus on this very difficult issue.

Mr. Deans: I think that's a fair question. I think we're all interested in consensus around here. I'm not too sure if when the Attorney General says things, he always necessarily reflects the consensus of his own caucus.

That is the benefit of these free-wheeling debates. It allows one to express one's own concerns and one's own opinions. I expect my colleagues will express theirs.

In any event, the Attorney General can now go back to his conversation because I have now completed what I wanted to say on the topic. I appreciate the fact that he stopped long enough to hear me.

I want to turn to two quick matters and then I am finished—in fact, only to one; I'll let the other go for the time being.

[11:45]

I want to suggest to the Minister of Housing (Mr. Rhodes), if he ever gets around to reading this, that soon we must develop an overall housing policy in the province of Ontario which relates to land costs; servicing costs; the kinds of servicing one can reasonably expect to be provided; the size of homes which can or cannot be built—or should or should not be built; perhaps can is not the right word—and the method of mortgaging and the mortgage interest rates that are being charged. If we don't deal with those vital matters soon in this Legislature then I say to you, Mr. Speaker, that within this decade there will be no affordable housing for people who earn average wages and salaries and who go to work every day. It's just that simple.

Unless we begin a process of funding, of ensuring reasonable interest rates, of guaranteeing a fair proportion of investment capital in housing, of keeping land prices at a reasonable level, of providing for the very expensive cost of trunk servicing and of ensuring a reasonable standard that can be expected, then sure as I stand here, there will be no affordable housing built.

I say that the home ownership programme does not provide affordable housing for the majority of people. It was intended to, and when it started out it did. But at today's values it no longer meets the criterion of being affordable for the average income groups in the province of Ontario.

And we need time in the Legislature, time in the committees of the Legislature. We even need, if I dare utter the heresy, we even need an investigation. Maybe it should be a select committee; I don't care. But we need a committee of this Legislature to address itself to accommodation in the province of Ontario. We need to set up a committee that will review the capacity of the builders in the province to produce, the availability of the goods required to produce.

Mr. Shore: Do you agree with that, Mike?

Mr. Cassidy: You guys won't move.

Mr. Deans: We need a study of the costs of land and the added costs brought about by municipal and provincial red tape. We need a study of the costs of servicing and how we, in the province of Ontario, given our much larger taxing resources, can involve ourselves to a greater extent in the trunk servicing for many of the subdivisions that are required. We need a study of rental review accommodation and we need to include a review of mortgages, the amounts of money available in the marketplace and what would be considered by the majority to be reasonable interest rates that could be charged. The biggest mistake we ever made was when we lifted the ceiling on NHA mortgages—not us, the federal government.

I say we need that now and out of it must flow some concrete recommendations

about housing at a price that people can afford. And I urge the government to give serious thought to it because it's a very serious matter. If they don't give thought to it now, five years from now it will be too late. It's almost too late now.

If we don't get into it and get on with it and come up with the recommendations, then I'm going to tell you right now that within the next five years the chances of my children and your children and many other peoples' children across this province ever being able to buy a house that they can afford on the income that they're capable of earning will have passed us by. It will become a thought from the past. We'll look back and say, "Do you remember the good old days when people used to be able to buy houses?" That's what will happen. We'll be looking back into history and talking about how it used to be when the average family could afford to buy a house in the province of Ontario. It's getting that way now and we can't afford it any more and if we don't do something to stop it—and I've been harping on this since 1967—

Mr. Shore: It goes back a long way.

Mr. Deans: —if we don't do something about it now, then I suggest to you that the time for action is so limited that we're not going to be able to accommodate the people in the province, given this next generation that's now in its teens.

Mr. Speaker, I've taken enough time. I appreciate the attention of the House and I hope that some of the comments that I've made will prove to be useful in the government's deliberations with regard to new policy initiatives.

Mr. Cassidy: I have a number of comments and I want to make them specifically about the government's non-policy about rent review and the problems that are being created in the rental housing field and the problems that are being created for tenants as a result.

I might add that the problems aren't just simply for tenants but that there are problems created as well for landlords because of the government's vacillating and its indecision in the question of what to do with the continuation of the rent review programme after July 31 of this year. This matter is of sufficient importance to us in the New Democratic Party that when we were considering whether to move another motion of non-confidence in the government we decided that this was one of the fundamental reasons why we have continued to lose confidence in the government, since proposing our budgetary amendment in the spring. As my leader stated on Monday, we are further concluding that the government does not enjoy the confidence of the House because it "has failed to respond adequately to the administrative problems which have undermined the tenants' accessibility to and confidence in the rent control procedures" and it has failed "to recognize by legislative action the need to ensure protection against unfair rent increase after July, 1977."

I have to say that I don't really know what the government's position is on this question. There have been some inspired leaks to the paper suggesting that there will be some continuation of rental protection for tenants after July 31. Back in September, although he admitted having no inside information and said that the subject had not been discussed in cabinet, the Solicitor General (Mr. MacBeth) said that Ontario might extend rent controls beyond July 31.

Then Mr. Handleman said for the 42nd time that he was going to quit. He was damned if he would be the minister who would be responsible for rent review if it was renewed in July and he said that the rent controls were counter-productive. My leader wished him well, as I have on a number of occasions. I really rather tend to feel that the Premier should accept Mr. Handleman's offer of resignation. It would do the province a great deal of good.

Mr. Grossman: Don't use his name in the House. Refer to his riding.

Mr. Cassidy: However, Mr. Handleman who, I see, has come into the House now has begun to change his tune. By late September he was saying we can't quit the programme cold turkey. He was saying that something was under study. As the member for Sudbury would say—

Hon. Mr. Handleman: On a point of order, Mr. Speaker, I think if the hon. member's going to refer to me by name he should at least stick to the facts and not read from a newspaper report. If I may restate my position, it was that if the present programme was extended, I would not administer it. That's completely different from what the hon. member is alleging now.

Mr. Nixon: What did the Premier say when you told that to him?

Mr. Acting Speaker: I do ask the hon. members to refer to opposition members not by name but by riding.

Mr. Shore: Don't let the facts bother you.

Mr. Nixon: What did the member for Ottawa West (Mr. Morrow) say to you?

Mr. Cassidy: If the Minister of Consumer and Commercial Relations wishes to put that correction on the record then so be it. If he wishes to challenge the Toronto Star or the Globe and Mail, then I suggest that he take things up with them.

Mr. Breithaupt: He's attacking the freedom of the press.

Mr. Cassidy: I think the point is well taken that there's been a deliberate programme to confuse the public as to what the government intended to do and there has been a complete lack of any firm information of what would be done. The Minister of Consumer and Commercial Relations and others have said from time to time that something would be worked out to protect tenants, but they have also admitted all along that there is no way they could commit the government. In fact, the Minister of Consumer and Commercial Relations said that specifically during a couple of late night debates on the adjournment over the question of short leases and the protection that would exist.

In Peterborough just recently the minister responsible for rent control said there would be a protection that would be continued in some form. But then he went on to say that the province could continue the rent controls, scrap them altogether or else take a middle course. He called the middle course the favoured policy. I'll come back to that in a few minutes because, frankly, if the legislation is going to be changed between now and the spring, it seems to me that there is all the more reason for the government to state its intentions now and for there to be an opportunity for landlords and tenants, the public and this House to examine the government's alternative proposals well in advance, rather than in the kind of hasty manner which is becoming inevitable because of the timetable the government is now choosing.

I want to talk in general about the rent review programme. I want to hark back to the election campaign in 1975 and I want to recall to you, Mr. Speaker, and to the public the kind of situation the tenants were experiencing at that time. Rent increase demands—which were more than demands; the tenants had no choice but to accede to them—of 15, 20, 25, and even 30 per cent were becoming common in the major cities of the province at that time. Even the government became convinced, mainly because of the electorate's feelings, that something had to be done.

I think there is no question that rent review was necessary and no question, in fact, that it has worked over the province since that time. The figures which have been published by the ministry, despite the difficulty one has in interpreting them, do indicate there has been a very substantial moderation in rent increases because of the programme which, let's face it, the NDP campaigned for and the NDP got both the public and this Legislature to agreed to.

For example, the figures that were published in September, and which haven't been substantially changed since, indicate that across the province landlords who were requesting increases of 19 per cent and got, after rent review hearings, rent increases of just over 12 per cent. In certain cases—Kenora stands out as being one of the most extreme—they were looking for increases averaging 25 per cent and they got 10 per cent. In London, an area where the landlords said the programme wasn't required, the increases that were demanded were 22.75 per cent, and the amounts that were granted averaged 11.86 per cent.

I have to say we have been unable to get further clarification from the ministry on these figures. I do not even know whether these are on an annual basis or whether these are on an overall basis; in other words, exactly how the ministry is reporting. In Toronto, the landlords requested 19 per cent—which is quite extortionate—and got 11 per cent, based on the past year of costs. In my area of Ottawa, the second largest area for tenants in the province, the landlords requested 21 per cent and got 12.6 per cent.

The figures have changed somewhat since then, but this is a fairly substantial kind of summary. It is interesting as well, in looking at the working of rent review, to consider the fact that of more than 900,000 rental units across the province, up until now something like 100,000 have gone through the rent review process, or about one unit in nine.

Of the remainder, a certain proportion, maybe a third, were units that didn't happen to have a lease that came up for renewal during the period that rent review has been in force. However, somewhere between 400,000 and 600,000 units represent situations where the landlord has been content with a rent increase within the eight per cent guideline. I have to say that would not apply in all those cases, because in a number of cases landlords have deliberately chosen to flout the rent review process and have charged more and intimidated the tenants into accepting a higher increase, and there must be certain

cases where landlords charged less but didn't go before rent review out of ignorance. None the less, for every landlord who brought a rental unit to rent review, there were four or five or six rental units where the landlord was content to stay within the maximum allowable rent increase that was proposed under this particular law.

It seems to me that suggests that not only did rent review have a very substantial effect, but that despite the tremendous lobby and pressure tactics that were used by landlords—and in particular by the Urban Development Institute—most landlords of most rental units across the province have found that, however reluctant they may be, they could live with the rent review process we've had in the province of Ontario, and I think that that fact should be put on the record.

The next point to be made, however, is that rent review has not worked nearly as well as it should, and the reason is because of the ambivalance and the shilly-shallying and the plain, downright pigheadedness of the Conservative government and the people who were appointed to run the rent review programme. We knew they were ambivalent. We know and knew they didn't want rent review. We know and knew the Conservatives would have moved heaven and earth to have not had to bring in this programme, and that has had a profound influence on the fairness and equity with which the rent review programme has been brought in. I have to say there's been a consistent anti-tenant bias. There has been a frequent refusal to heed court rulings. There has been a consistent refusal to provide information to tenants.

[12:00]

The ministry is now taking some experimental steps to allow tenants to photocopy certain information on file in rent review offices. But that is after close to 100,000 rent review hearings have been heard. It is after the bulk of the tenants who are going to rent review during the life of this bill, as we have it right now, have had their experience of how rent review works. The reluctance of the ministry to give any kind of information to tenants has therefore permanently poisoned and influenced tenants' perceptions of whether or not the bill happens to be fair.

Not only that, but I would say that the government has deliberately flouted the law of this province because sections 5(13) and 7(1) of The Rent Review Act state specifically the tenants and landlords should have "adequate opportunity of knowing the issues and the proceedings and of presenting material and making representations on their behalf." The pity and the tragedy is that the only way to bring the government to account for failing to obey its own law is through the electoral process and there's nothing else that tenants can do. I know that many of them will do that when the opportunity arises. It's a pity they have had to live with rent review in the way that the Conservatives have been administering it.

Here are some comments which were filed by the Federation of Metro Tenants which has had widespread experience in helping tenants to live with and get along with rent review. They found that although the legislation provided for the filing of information related to rent increases, the terms of leases and so on, that landlords often did not file a schedule B in which this information was required. And sometimes they didn't file at all. Sometimes they didn't file it accurately. Sometimes they filed it and the tenants were denied access on the grounds that that particular information was confidential.

When tenants considered filing an appeal against the landlord for a rent increase that didn't exceed the eight per cent guidelines they were frequently discouraged by rent review personnel from making applications of this type. If that didn't happen, they were intimidated by a threat by the landlord that if the tenant went before rent review the landlord would increase his demand to an amount greatly exceeding the eight per cent.

The law says that the rent review officers and the appeal board should consider excessive rent increases that might have taken place before the coming into force of the law, between the beginning to January, 1974, and the end of July 1975. The Federation of Metro Tenants, which has monitored this very intensively, says that they have no evidence that that provision has ever once affected a decision of a rent review officer or of a member of the board of the rental review appeals tribunal. There too, the intent of the law was ignored. Despite the mass of guidelines and directives and orders that went out to rent review officers on how to interpret the law, not one line went out to those people to tell them what to take in regard if there happened to have been an excessive rent increase in the period of 18 months before the law came into force.

The tenants became very upset over the fact that rent review officers were considering rent increases in cases where the rent increase was not legal, as they could see it, according to The Landlord and Tenant Act. As the Minister of Consumer and Commercial Relations knows, The Landlord and Tenant

Act required a 90-day notice of a rent increase. That Act was introduced almost simultaneously with The Rent Review Act, but there was not a good integration between the two and there has been a lousy integration between those pieces of legislation in their administration and their implementation.

In order to sort things out, tenants went to judicial review and in the divisional court, in the case of Devitt versus Sawchyn, the court held that compliance with the terms of both The Landlord and Tenant Act and The Rent Review Act was a pre-condition to securing an increase in rent. As I see it, they could have come to no other decision. The court ruled that until both Acts were complied with, a rent review officer had no jurisdiction to order an increase. The rent review programme, however, chose not only to ignore the court's decision entirely, there were also instructions sent to rent review officers to ignore arguments presented by tenants regarding improper notice unless judicial review had been launched in that particular case.

The way the law works is if one judge makes a decision and makes a ruling, that is the law of the land unless that particular ruling happens to be overruled. That is not the way that the minister's cohorts chose to proceed, however. Once an appeal had been launched of the Devitt decision, the rent review programme argued that that decision, the original decision of the courts, could be ignored until the appeal was decided. That's precisely what they did. This was a blatant disregard for the courts and it is part of the overall approach that has been taken in the rent review process by the way that it has been administered by the ministry.

Section 19(3) of the bill allowed the minister to engage persons to provide assistance both to rent review officers, to the rental appeal board and to people who were appearing before either group. That section of the Act has been applied with great assiduity in allowing rental review personnel to give counsel and advice and solace to landlords who come in order to get advice.

Mr. Laughren: Frank Drea should assume part of the blame for that.

Mr. Cassidy: Not only that but, as a result of a reinterpretation of the original rules, landlords are now permitted to charge up to their operating costs, the cost of lawyers' fees for appearing before rent review processes; that is a cost which is allowed in addition to the standard five per cent allowance for the landlords' administrative costs. The landlords, in other words, now have the right to charge their legal fees to operating costs; since the operating costs are passed through to tenants in the form of rents, the tenants pay for clever, experienced, assiduous, persistent counsels who are appearing on behalf of landlords in order to try to thwart the purposes of the rent review process.

Not only do the tenants, have to absorb the cost of the landlords' lawyers, they have got to, if they can, try to get some legal help for themselves. In many cases what happens is that the tenants can't afford legal counsel; or they can afford a lawyer to come in for half a day for the actual hearing but they cannot afford the time and the money in order to have the lawyer prepare a very detailed and comprehensive case. But in the ultimate decision of the rent review officer, they have to pay for $1,000, $2,000 or $3,000 worth of legal fees that are incurred by the landlord in order to try to soak the tenants with a higher rent. That's yet another reason why the tenants feel bitter, and why we feel bitter, about the administration of rent review.

Let me give some instances about the way these things have been working; these are drawn from the thousands and thousands of calls and cases that we in the NDP have handled in relation to rent review over the course of the past year. One particular case was just held on Wednesday night of this week. It is a building in Ottawa South, and in this particular case the building had changed hands and so the fiscal year of the building had changed.

Without making it available in advance, the landlord brought unaudited financial statements with no receipts or vouchers. Even though the tenant's accountant requested that these financial statements be proved, the board did not ask for the receipts. Large amounts were listed as being spent in these accounts as capital expenditures. There were no further details provided. The board didn't ask. There was no requirement that the landlord produce any further information. The rent review officer's decision was based purely on projected costs. Although the building had changed hands, there were no historical data provided.

In other words, the landlord was able to evade completely the position of the rent review bill that only costs passed through are permitted. No receipts were requested by the board even after the tenants had requested them. Among other things, the accounts in-

cluded an increase in legal fees from $4,000 to $10,000, all to be borne by the tenants.

Another case is in Toronto. I can't give the name, but there was a combination of intimidation by the landlord and an inadequate rent review process. The tenant, who had now moved as a result of the intimidation, had to survive several gross intimidations of his daughter, three eviction notices and harassment such as having all his power turned off.

He never received a notice of increase from his landlord but the entire procedure of rent review was gone through anyway. The landlord failed to provide written material either before or at the hearing to justify his request for a rent increase. Nevertheless, a 16 per cent increase was granted by the rent review officer. There was apparently some material to justify the increase given to the rent review officer after the hearing but despite the request of the tenant's lawyer, no access to that material was ever given to the tenant or to the lawyer in strict contravention of the law. The physical difficulties with the apartment, the reduction of services, the lack of heat and so on were never allowed to be presented as evidence at the hearing.

Another case is in Thorncliffe Park. The tenant never got legal notice. The review officer forbade him to speak at the initial hearing when the tenant pointed out the information bulletin about a legal notice. The rent review officer said, "If that is the case and if you think the legal notice applies in this case, then the decision won't apply to you so you don't have a right to speak."

The decision was made to apply. I am glad the minister is staying in for this particular part of my speech. The appeal decision upheld that and the tenant in other words got no protection from the law. He is now going to court to try to obtain rights which are laid out both in the Act and in the information bulletin. He might even win in the courts.

The question we ask is: Why on earth are the rent review officers not instructed to heed the decisions which have already been handed down by the courts.

Another case, Heron Gate, 3,000 rental units, with one of the best organized tenants' associations in the province. This is in the riding of Ottawa South. The people who run that tenants' association have been run absolutely silly by the number of rent review hearings they have had to prepare for and to attend.

After they watched a rent review hearing which was held in the case of Bayshore tenants and the same landlord, Minto, they saw the way the landlord's lawyer was proceeding. They saw no choice but to hire counsel of their own, even though there had been assurances, when the rent review bill was originally passed, that it should be able to proceed without the presence of counsel.

Hon. Mr. Handleman: Why? He has been a very ineffective lawyer.

Mr. Cassidy: I am not sure whether the minister is saying the lawyer for the landlord or for the tenants was ineffective.

Hon. Mr. Handleman: Exactly. He has been very ineffective.

Mr. Cassidy: The first hearing which these people attended to see what their landlord was doing was a shambles, an absolute shambles, and one of the reasons was the presence of the landlord's lawyer.

This fall there was a second round of rent review applications on the part of the landlord who unfortunately, has chosen to try to break the rent review process by launching as many applications and appeals as is possible. I regret that very much because there are people in that firm who are friends of mine.

A week after the second round of applications the tenants' association had to go to a series of linked appeals on the applications which had been heard in the spring. When they asked for information from the rent review office and from the appeal board about which apartments were being appealed, so they could go and talk to those particular tenants and offer to represent them, they were refused.

When they asked for a pre-hearing conference in order to discuss the manner in which the appeals would be heard they were refused. When they wrote to this minister and asked him for legal assistance because of the very heavy responsibilities they were taking on in going to the appeals, and the way the landlord had been getting legal assistance with their money, they were refused by this minister. I have to tell members that is yet another reason for tenants feeling bitter and feel that the law has been acting inequitably.

Another case, which has generated 30 or 40 phone calls to my office and to the office of the member for Carleton East (Ms. Gigantes) in the last few days, concerns Halifax Towers, another apartment building

in Ottawa South, at 2240 and 2220 Halifax Drive in Ottawa. The company is Urbandale Realty.

The hearings now going to appeal refer to increases which will be effective retroactive to January 1, 1976. The first hearing in this case wasn't held until late July and the appeal came down in November. It has taken close to a year, in other words.

To give one instance which is typical—a tenant in a three-bedroom apartment, who was paying $259, got a 12.2 per cent increase from the rent review officer to $290. The appeal doubled the increase to $314 and now the tenant also faces arrears of $410.

To make matters worse, he has been given notice of another eight per cent increase in January, 1977, which will take him up to about $340 a month. He has also been given a short lease until July 31, 1977, which means his rent will go up yet again on August 1 of this coming year.

[12:15]

The decision from the board is as follows—there are certain words which are indecipherable because of poor typing: "operational costs and projected increases contained in this statement are analysed thoroughly and proved reasonable"—blah, blah, can't read it—"are also concluded that the property sustained a financial loss during the period under review. In addition"—blah, blah, can't read it—"account of increases in cost of servicing secondary financing due to a renegotiation of"—blah, blah, can't read it—"end of term."

That's all the justification that the tenants got for the appeal board decision to grant, in this particular case, to the landlord another $25. One has to wonder when two-bedroom apartments or three-bedroom apartments are getting those kinds of rent increases and tenants are not even allowed to know what on earth it's all about. It sure as heck undermines confidence in what's going on.

Brian Bucknall, a professor of law at Osgoode Hall, was a member of the rent review board as representative of tenants, but was compelled or strongly urged to resign after he recently published a paper which was a very well balanced critique of what was happening in rent review. I say well balanced because he had some things that were bad to say about it and some things that were good to say about it. I want to quote some of the items that concern—

Mr. Shore: Did he resign?

Mr. Cassidy: He did resign, yes. He was put under tremendous pressure to get out.

Mr. Shore: By whom?

Mr. Cassidy: By the chairman and by other members of the board. The reason I quote him is because some of his conclusions are comparable to mine, but he doesn't come to this being a member of the New Democratic Party or being a member of this particular Legislature in the official opposition. He was, I would contend, in a good position to look at the whole rent review programme and come to an unbiased assessment of how it was working.

He says that the rent review programme suffered from "two fundamental assumptions which shaped and misshaped the whole scheme. The first was that rent control could be a temporary measure: that a two-year life span for the whole programme was acceptable and that the administrative structure required by the programme could be assembled, have its work completed and be disassembled within 18 months. Obviously, the decision to have a temporary scheme had no foundation in economic theory, and it can only be regarded as the political response of a disaffected government to a programme which it disliked." That certainly is true.

"The other assumption was that the rent review programme could be established and administered wholly separate from the general law of residential tenancies. Rent control is, in theory, inseparable from a regime of security of tenure." I'll give credit to the Attorney General that security of tenure was introduced at the same time. The problem is that the two bills were not meshed together.

We said at the time, and now Mr. Bucknall supports us, and I quote: "Even though the Act, with its period of retroactive application created an automatic backlog of work for the programme, no steps were taken to set up a skeletal rent review staff while the Act was still under debate." I can say to the minister, if he's reading this debate or listening in on the outside, that if the government had come to this party and said, "Look, even though the bill isn't passed, would you mind if we started to advertise for people?" We would have said, "Go ahead. It would be a demonstration of good faith towards tenants. We agree." That could have been simply announced and agreed to in a quiet way in the House.

"In the event," says Mr. Bucknall, "the rent review officers selected were often semi-retired people with some accounting background. Their legal training was in almost all cases minimal and their lack of legal training was dealt with by having them ignore legal questions entirely. The standard prac-

tice for rent review officers has been and is that they will not entertain any discussion about whether even the rent increase notice provisions of The Landlord and Tenant Act have been complied with."

I should add that we researched the background of rent review officers and we found that an extraordinary number—I haven't got the figures with me, but I've read them into the record at other times—an extraordinary number of the rent review officers didn't just have a semi-retired accounting background, they had a direct background in the real estate industry, which almost inevitably made it likely that they would be biased toward landlords and understand landlords' problems far more than they understood the problems of tenants when they came to a rent review hearing.

Mr. Warner: That's precisely what has happened.

Mr. Cassidy: "Again," says Mr. Bucknall, "it must be emphasized that the prospect of acquiring and training a competent staff for this most complex regulatory scheme was hopelessly compromised from the outset by the decision to make the entire programme temporary. Neither serious recruitment nor effective training could be undertaken where the whole effort was to dissolve in just a few months' time." We certainly endorse that.

The problems of morale that have existed among the better people in rent review are legion. A number of those people have resigned; a number of others have been compelled to resign because of the atmosphere in the rent review offices where they are working. They are frustrated beyond belief. They are particularly frustrated because of situations that arise where their decisions are countermanded or contradicted by decisions of their colleagues.

One of the things which I think is the most difficult for tenants to understand is, why is it that units in a particular building may go before a rent review officer on three or four different occasions a few months apart? Different officers will often hear hearings into the same sets of circumstances—the same apartments; the same rents were being charged before the landlord applied for a rent increase; the same accounts are filed, and yet the rent review officers have come up with quite different and contradictory decisions in each of those cases.

Mr. Bucknall went on to point out: "The draftsmen of the new legislation may have been guilty of an excessive enthusiasm for prescribed forms." Well, I've heard the NDP being charged with being form-crazy. I have to tell you, Mr. Speaker, that during the debate last December on rent review, we insisted and got one form put in with rent review. That was the form that related to the information given to tenants if they were being asked to waive their right to a rollback over that period from August to December of 1975. One form. The government put in 11 or 12.

Not only that. They put them in and made the regulations so strict that in certain cases —for example, if people in a 100-unit apartment all wished to appeal a rent review officer's decision—the number of pieces of paper that had to change hands in the required form in that particular case would be 10,000! My God, what kind of government is it over there if they are so incompetent they create that kind of red tape and that kind of paperwork?

Mr. Cunningham: Just plain crazy.

Mr. Gregory: Plain crazy.

Mr. Cassidy: In some cases, says Mr. Bucknall, the forms were drafted in a rather casual manner and had to be amended. In other cases the forms were drafted and the rules were drawn up in such a way that landlords couldn't help but be breaking the law. It seems to me that one of the forms was the rent increase form—I can't even remember the names and numbers; it's very complicated. But it wasn't published and made generally available until a month and a half after the turn of the year and yet it was a required document in order that the provisions of the law be complied with in every rent review application which was filed up to and including that date.

We don't believe that that kind of situation should have been landed on landlords. We have reservations about landlords in many cases and we often express them. We also understand that many landlords are simply trying to provide a service and make a bit of dough and there's nothing particularly wrong with them trying to make a reasonable profit. I say this to the parliamentary assistant to the Minister of Consumer and Commercial Relations.

Mr. Drea: Nothing particularly wrong?

Mr. Cassidy: I say there is nothing particularly wrong with that, no.

Mr. Drea: I think you would be more impressive if you would say there is nothing wrong with making a profit.

Mr. Cassidy: All right, I'll say there is nothing wrong with them seeking to make a reasonable kind of profit in providing the service—

Mr. Hodgson: As long as they don't make too much.

Mr. Cassidy: —and that's the way it used to be before this government and its big developer friends stepped in. But landlords like that who were simply trying to provide a reasonable service—who, as the figures I read out indicate, were in fact content to comply with the law and keep their rent increases under the guidelines—found themselves tangled up in an impossible mess of paperwork which was landed upon them by the government.

As Mr. Bucknall says, "this duplication and triplication of paperwork has given rise to an incredible degree of confusion and technical irregularity."

Then he goes on to say: "Unfortunately, it frequently appears that rent review officers are more concerned to fulfil their mandate to make the hearing expeditious than they are to preserve the appearance of fairness. It is often suggested by tenants that the initial rent review hearings looked like conferences between the landlords and rent review officers to which tenants have been invited."

In some cases the tenants have even been told that they can't participate at all. We have complained about that. This is an impartial view from somebody who sat at a substantial number of rent review appeal board hearings and looked at what was actually happening at the rent review office process. To go on to quote: "Basic procedural questions remain unresolved and were dealt with in various manners by various officers. The parties are frequently denied permission to cross-examine on evidence submitted. While the legislation provides that all parties must have access to materials filed in connection with an application for rent review, the spirit of this rule has not always been respected."

My God, the response to that is that the spirit of that rule has never been respected by this government. We have sought again and again and again with this minister to get the spirit of that rule about access to information to be respected and the government consistently refused. They made a mockery of rent review because of that.

Mr. Bucknall goes on to say: "One of the fundamental tasks facing both the government and the rent review programme was the obligation to educate the public in the new legislation governing tenancies. About $500,000 was allocated to the task of printing and distributing pamphlets on rent review. But it is apparent that the rent review and security of tenure programmes are far too complex to be effectively explained in this manner. The problem of education has been compounded of course by the needless complexity of the rent review scheme and the forms which it has generated, and by the awkward and ill-considered indirection between the rent review scheme and the security of tenure provisions in The Landlord and Tenant Act."

Mr. Bucknall's paper, which I recommend to anybody who's following this debate, also comments on the problems that have resulted from retroactivity in the legislation and from the situation that arose when a tenant moved and a new tenant came in. We've had problems, for example, for a sub-lessor, a tenant who sublets, getting the right even to appear at a rent review hearing. Well, that isn't fair. There are the problems, which I've mentioned, of the incompatibility between the rent review legislation and The Landlord and Tenant Act, the problems of inequalities between identical units within a building, the problems of landlords and tenants not clearly understanding the purpose and the operation of the review process and the problems that the cost pass through principle has led to inefficient and uneconomic management and has discouraged efficiency.

With not too much brevity, that is a critique of what's going on now. I want to talk now about the future, and I want to talk not just personally but on behalf of my party, about what we think should be done in the province with relation to rent review. The very first point I want to make is that as far as Ontario is concerned, rent review is still necessary and it must be continued after July 31, 1977. We call for rent review to be maintained in the province until there is an adequate supply of affordable rental housing in the province. All the evidence indicates the desire of greedy landlords to take advantage of this current shortage of rental accommodation has not abated because of a year and a half of rent review.

The Canadian Council on Social Development recently did a very major and detailed study of rent review. They predicted that there would be large increases in rents if the controls are permitted to expire. They pointed out, in particular, that the rents per room for low income families have been going up for the past 10 years, and not just in the past year or two, very much more rapidly than the increase in their incomes. We also have evidence that more and more big landlords are giving short leases, beginning in January,

February and March of this year. As the member for Wentworth has pointed out, there's no protection for tenants who get short leases when the landlord comes back on August 1 and says I want another five, 10, 15 or 20 per cent. Mr. Handleman can writhe all he wants but he's wrong about the law.

Mr. Speaker: Order, please. I'm sure the hon. member knows he shouldn't refer to the hon. minister by name.

Mr. Cassidy: The member for Carleton can writhe all he wants, but there is no protection after the end of July for any tenant that exists right now. Tenants cannot live on a commitment that comes from a minister who admits in the same breath that this has not gone through cabinet—

Mr. Warner: We can't even get an answer.

Mr. Cassidy: —and he cannot speak on behalf of the government. The NDP also urges that the legislation extending rent review be introduced and preferably be adopted before Christmas. There is a serious situation arising because of the intermeshing of landlord, tenant legislation and the rent review act. As the Speaker well knows, and as I hope the minister and his parliamentary assistant well know, rent increases now must have a 90-day notice. A rent increase to take effect after the end of rent review must, therefore, be notified to the tenant before the end of April, 1977.

[12:30]

Mr. Drea: Mr. Speaker, on a point of order. I don't want to deter the member for Ottawa Centre in any way but the matter he is discussing now is before the Ontario Court of Appeal and there is a decision pending. I think that should be taken into account by him in describing this particular problem. It may very well be settled by the Court of Appeal.

Mr. Cassidy: Mr. Speaker, I think the member should have got up a few minutes earlier when I was talking about the divisional court ruling and the appeal therefrom relating to whether or not rent review decisions could be carried out if an illegal rent increase had been given. I'm not talking about the future. I'm talking about what's going to happen in April when, according to the landlord and tenant law which does not expire, during the month of April landlords must give notice to their tenants of what rents they intend to charge after August 1.

It's simply not fair for the government to say, "We'll bring forward whatever we're going to do about rent review after the Throne Speech, around the end of March, and we'll get it passed in a hurry in April so that landlords and tenants can be guided accordingly." It's not fair to tenants, nor is it fair to landlords most of whom, I believe, are prepared to comply with the law if there's going to be a law.

When the Minister of Consumer and Commercial Relations says our options are to continue the legislation, to scrap it or to take a middle road and that he and the government prefer the middle road, it is even more unfair because if the basis of the law is going to be changed it seems to me this House would be derelict if it did not give an opportunity to tenants and to landlords to study the law and to comment on it before it's enacted.

The parliamentary assistant may recall that last November we moved very quickly. There was co-operation from all parties to hold hearings at an intense pace on the proposed rent review legislation to get it into law before Christmas. It was a pity that the urgency in the House in passing the law was not matched by the urgency of the administration in getting the law into effect.

Nevertheless, this House proved that on occasion there can be inter-party co-operation to get a bill passed quickly. I, for one, and on behalf of my party, don't think in this Legislature we should be put into that position again in April simply because of the incompetence of the government.

I'm now convinced that the government is deliberately delayig an announcement of its plans for rent review so that it can either abandon the programme completely this spring or so weaken it to the point that it is useless. From the thousands of cases we have dealt with in the NDP caucus and NDP riding offices, I'm also convinced it's essential that rent review continue beyond its current expiry date because otherwise many tenants will face landlord demands just as outrageous as the rent increases which forced the introduction of rent review.

It's already too late, however, to have a bill introduced, to have it considered, to hold public hearings and to make the bill law before Christmas—although this is what we would have done if we were the government. I would suggest, however, that this Legislature, being a flexible body, could very easily receive a bill and debate it in second reading before Christmas. There's ample time for that. If we had to come back for a couple of days in the week before Christmas, we're prepared

to do that if it means tenants will get adequate protection.

The matter could be referred to a standing or a select committee of the House to hold hearings and listen to tenants and landlords and the public during the month of January and early February, to get their views and ensure that people across the province know what the continuation of the rent review process is going to be. We would be willing to co-operate to ensure that the bill went back and got third reading and would become law as quickly as possible after the House resumes, presumably in March.

That's second best but it's an awful lot better than the course the government now appears to have chosen which is to do nothing until the very last minute and then to come rushing along and try to look like white knights.

I say to the government that if we get to a situation in which it is threatening to call an election without proceeding on rent review legislation which is before the House at that time it will be on its head. It will be the Tories' fault if tenants are in danger of losing the protection and they will have to defend that dereliction of their duty on the hustings. We will go to every tenant in the province and we will say, "This government's looking for a majority so it can let that bill about rent review drop and do a favour to its landlord friends." That's what we will say on the hustings, and despite what the member for Carleton has been saying, the tenants know it was the NDP that brought up the idea of rent review to protect tenants. It was the NDP that fought for it in 1971, 1972, 1973, 1974, 1975.

If it had not been for the pressure of this party, we would not have had rent review to protect tenants in the real way that it has. That message will be delivered to every tenant across the province during the course of the election if the government continues with the shabby game it is playing right now, which is to try to let rent review drop by accident in the process of calling a spring election shortly after a Throne Speech some time in March or April.

I hope that the ministry replies to this particular point, because I think the government's tactics are totally inexcusable. I think the tenants know the government doesn't have their interests at heart and I think they know the NDP has been fighting on their behalf.

Hon. B. Stephenson: The only interest the NDP has is its own.

Mr. Cassidy: I want to continue now to talk about some of the things which I believe we should consider as changes in rent review on the basis of the experience that we've been having over the last while. I want to say this to the member for Scarborough Centre, who is sitting in on behalf of the minister right now: When we considered these proposals, we thought them through very carefully because he knows, and I know, that it's possible at times for socialists to decide that they will adopt a programme aimed at the infinite perfection of everything in sight.

Mr. Drea: I didn't know that.

Mr. Cassidy: That is a tendency of which we are occasionally guilty and of which the member has from time to time accused us.

Mr. Drea: I have never accused you of that. I didn't know it was part of your philosophy.

Mr. Cassidy: We, as socialists, believe in the possibility of people moving towards greater perfection, greater self-fulfilment and so on—

Hon. B. Stephenson: You don't really; you feel only you are sufficiently perfect.

Mr. Cassidy: —whereas the Tories seem to have a kind of feeling that people are inherently wrong and bad. This is one of the reasons we occasionally go in that direction.

Interjections.

Mr. Cassidy: What we have proposed here, though, are specific proposals that are designed to both improve and simplify the administration of rent review as well as to correct the bias against tenants which the government has adopted.

In the first place, with careful thinking the red tape and form-filling which now surrounds rent review can and should be reduced to a minimum. I mentioned the kind of form-filling that's involved right now. We believe there are many instances in connection with rent review where if a landlord can show, and the tenant agrees, that a reasonable facsimile was used or that reasonable information was given to the tenant, that that should be adequate. Strict compliance with every form, in the sense that you have to fill in the 31st page and that kind of thing, shouldn't be necessary in those cases.

Among other things, if the government had ever chosen to produce a tenants' guide to the rent review programme, comparable with the guide which was produced for landlords,

then both parties would know where they stood and a lot of the formal red tape that they've introduced would be reduced.

It's significant to note that there have been some 247,000 applications submitted to the government in connection with rent review, but only about 100,000 cases have been heard. There's no significant backlog, as I understand it, in most rent review offices right now. We have finally caught up. That means there were two and a half applications submitted for every one that was finally heard; that surely is one indication of the kind of red tape that was introduced with rent review.

The second thing, and I mentioned it already, is our feeling that it's been wrong to have several hearings on an individual building over the course of the year. It has produced contradictory results, it has produced inequitable results and it has produced tremendous harassment and difficulties for tenants and landlords alike.

We believe that the cost of rent review to all parties could and should be cut by requiring that buildings be reviewed as a whole rather than unit by unit. In other words, once it became clear that a landlord was going to look for rent increases exceeding the rent guideline, then the landlord should go forward on a full building basis.

Where there were leases that were due to expire during the course of the succeeding 12 months, then they would also come up for review but the rulings of the rent review officer, as they regard properties with leases that expired later, would obviously take effect at the expiry of those particular leases.

Next, since we are anticipating that rent review would continue until there is an adequate supply of affordable rental housing, we think that the problems of unequal rents for comparable units have got to be resolved through the rent review process. We, therefore, recommend that proposals to equalize rents where comparable units bear different rents within the same building, should be granted provided the overall return to the landlord is not thereby increased.

In other words, if you have two comparable units at $250 and a couple at $225, you shouldn't raise them all to $250. You should bring the top ones down and the bottom ones up and average them out at $237 or whatever it happens to be.

It is possible right now for there to be hundreds of separate hearings for certain apartment buildings where one building review would have sufficed and where it would have allowed the tenants to work together and where it would have produced one result that applied equally and fairly to all.

Next, we think the question of the maximum allowable rent increase has to be reviewed when rent review is continued after July 31. Given the fact that the rate of inflation has declined from 10.6 per cent in October 1975 to 6.2 per cent today, and given the fact that the ceiling on wage increases, which was eight per cent last year, has now been cut to six per cent under the Anti-Inflation Board, we believe the maximum allowable rent increase should be cut by at least two points from its present eight per cent.

I would like to be more precise about what the new guidelines should be but that is very difficult. Six months ago in a written question we asked the ministry to table the calculations which underlay its determination of the maximum allowable rent increase for the year 1976-77. The government has never complied. Six weeks ago we asked them for a whole pile of detailed information. They said, "Look, put it down as a written question and we will give it to you." We are still waiting.

All I know is that the guideline, which doesn't prevent a landlord seeking more or a tenant seeking less, but does act as a kind of rule of thumb for everybody in the game, should surely come down when the other guidelines related to inflation and wage increases in this economy have also come down substantially since one year ago.

Mr. Drea: On the maximum allowable increase you are talking about guideline, not maximum allowable.

Mr. Cassidy: The technical term is "maximum allowable increase," as the parliamentary assistant knows. However, if a landlord seeks an increase, in this case of more than say six per cent, he would have the right to do so but he would have to apply to a rent review office rather than simply bringing in that rent increase unilaterally.

The next thing is the question of openness and equitableness to tenants. We say that the devices that have been used deliberately by the government to obstruct tenants seeking information about rent review should be swept away. There should be an open-file policy for any landlord, for any tenant or for their authorized representative after as well as before hearings. This should include the minutes of hearings and the rent review officer's material. Tenants should be permitted to photocopy the documents. The de-

cisions of the rent review officers and of rent review appeals should be publicly available.

There should also be very clearly laid down requirements about when this information is tabled. For example, the landlord's application and cost-revenue statement should be in the rent review office at least two weeks before a hearing; otherwise, the hearing should be postponed. I don't see how it is possible or reasonable to ask working people who are tenants and who can only get by between 4:30 and 5, since most offices haven't been open in the evening, how it is possible for them to get the information, to look at it, to copy it—now by hand, if, at all—to get together with other tenants to form an association and maybe to hire an accountant or get a lawyer to look at the situation within the space of the three or four days, which is often the maximum period between the landlord's filing of information and the actual rent review hearing.

[12:45]

There should be a tenant's guide to rent review available to complement the guide which has already been distributed to some landlords. The government should provide support for tenant organizations which are helping tenants with rent review. Here again, the Metro Tenants' Federation, for example, had to beg and beg and beg and eventually got a few dollars for legal assistance to tenant organizations in connection with rent review through the community outreach programme of the Legal Aid Plan. The amount that the landlord, Minto Corporation in Ottawa—I am sure there are many others in a comparable situation—has been able to charge against its tenants as an operating cost, and is permitted to do so under rent review, exceeds by far the amount which this government has given to aid all tenant organizations seeking to help tenants in coping with rent review.

That ain't fair, Mr. Speaker, and that wouldn't have been done if this government was committed to making rent review work. I am not saying that the government is going to become pro-tenant.

Mr. Warner: They don't care.

Mr. Cassidy: I wouldn't expect this government to be pro-tenant. It would be nice, however, if occasionally from the Conservative administration of this province we could have a government which takes no sides, which recognizes a problem and then seeks to deal fairly with landlords and tenants alike.

Mr. Warner: That would be novel.

Mr. Cassidy: The ministry knows that some of the things we have proposed are not designed to increase landlords' profits. I think the ministry and the public also know—and they can tell from the tenor of the speeches which we have made as a party—that we would deal fairly with landlords and tenants alike in applying the law that was adopted by this Legislature. That has not been done by the government.

Let me give another example—the manual. When the estimates of the Ministry of Consumer and Commercial Relations were being considered a while ago, the minister finally grudingly said, "The members of the Legislature can look at the rent review officer's manual," a document which had previously been secret.

He predicted that the heavens would open if we got it. He made me sign a form which said that if any of this information got out, it would be my personal responsibility. The implication was that million-dollar lawsuits would be launched against me if I happened to allow the information to get into anybody's hands.

Mr. Warner: Confidential.

Mr. Cassidy: I have to say that the major result of the minister's keeping the manual secret has been simply to embitter the tenants who were deprived of access to it. I made that manual public. We have had less than half a dozen requests from people to look at it because there was absolutely nothing of any consequence in it. All the ministry needed to do in order to stop the hue and cry about the manual and the suspicions it engendered was simply to say, "Anybody who wants to look at it can go to a rent review office and take a look at it at a convenient time. If they want to take a copy of one or two pages, that's just fine."

The whole dissension that created would have gone but that is typical. Maybe it's typical of the minister, maybe it's typical of the ministry or maybe it's typical of the government as a whole in the attitude it has applied with regard to rent review.

The next point I want to make is the question of the discretionary powers which have been used by rent review officers. These powers are so broad that they can and often do ignore ministry guidelines in ruling against tenants. They have done that. They have also very often been erratic and inconsistent in their rulings.

Moreover, some of the guidelines are not available to the public or may not be avail-

able to the public. I frankly don't know. The guidelines are changed frequently. They change without public scrutiny and the tendency of the changes has been to favour landlords.

For example, when rent review began, landlords were obliged to pay their legal costs in rent review cases out of the five per cent of revenue they were allowed for administration. As I have just pointed out, these legal costs are now permitted in addition to the five per cent and are therefore paid directly by tenants out of their rent.

The ministry guidelines to rent review officers should be binding. They should be part of the regulations under The Rent Review Act. They should be public and they should be regularly considered by a committee of this Legislature or by some other appropriate body.

We might beef up the regulations committee and make it do the job not just to see that the regulations fall within the four corners of the legislation but also to judge those regulations and be required to inform the House if it disagreed with any of those guidelines.

Right now there are very broad discretionary powers. Tenants have become confused and frustrated as a result. I have talked about the quality of the rent review officers. It has been made worse and compounded by the fact that they have had no training and they have had such broad discretion. We suggest that every participant should know what the rules of the game are and that those rules should be obeyed by the rent review officers rather than indulging in some completely free-wheeling kind of exercise as they have done in so many cases.

I will conclude with what we would like to see done with the Act. I am glad that the parliamentary assistant is listening with interest.

Mr. Warner: He is uncomfortable.

Mr. Drea: I am never uncomfortable with you around.

Mr. Cassidy: Maybe he is uncomfortable. At least, he is listening.

One of the areas where specifically we need guidelines which are well defined is in the area of items dealing with refinancing and financial loss. This should be carefully defined either in the legislation or in the regulations, and I think we would prefer the legislation. Rent review officers have now begun allowing big rent increases, based on inflated sale values of rental property. In other words, a $200,000 apartment complex changes hands at $300,000 and, all of a sudden, the place is refinanced and tenants are being asked for a 35 per cent rent increase on the basis of that refinancing.

We also have evidence that landlords have begun to trade buildings from one to another in order to establish a higher capital cost. In other words, the member for Scarborough Centre has a building which cost him $200,000. He sells it to the member for Carleton-Grenville (Mr. Irvine) for $300,000.

Mr. Warner: He sold it yesterday.

Mr. Cassidy: The member for Carleton-Greenville sells the building at a similar inflated price, and this is a deal in order to evade rent review.

Mr. Breithaupt: I could think of other examples.

Mr. Cassidy: These were abuses that rent review was designed to correct.

Mr. Hodgson: How about your apartment?

Mr. Cassidy: I am suggesting that rent review is not correcting that because there were not adequate guidelines. Therefore, refinancings are being allowed and there are enormous capital gains being built in when they should have been ruled out.

I want to talk now briefly about what goes beyond rent review. Rent review alone will not relieve the problems that tenants face. Ontario must move to create adequate rental housing for low-income groups and people on modest incomes and to put landlord-tenant relations on a new and enduring basis. The proposals I am going to bring now do not relate to the specific revision of The Rent Review Act. What I have said up until now are things that we think can be introduced conveniently and quickly and simply into the rent review legislation without a lot of fuss. I am glad that the member for Scarborough Centre is nodding and understands.

Mr. Warner: Nodding his head and understanding are two different things.

Mr. Cassidy: We believe, however, that the other shoe has yet to drop, that the government has not yet produced an overall strategy for rental housing and that is one of the reasons why we are in such a mess with the rental housing sector. There should be an overall strategy for rental housing in the province and the responsibility for this policy should lie entirely and clearly with the Ministry of Housing. This responsibility should

include the production of new rental housing and the maintenance of existing stock. It should ensure that low- and modest-income families are adequately served. It should ensure a regular review and updating of the legal basis for landlord and tenant relations and it should include responsibility for the legal framework of rent review.

In conjunction with local governments we believe that the province should set targets for the production of rental housing units for low- and modest-income groups. It should give strong encouragement, rather than the weak encouragement they get now, to non-profit and co-operative housing as a means of meeting these needs alongside the private sector. I could say, incidentally, that we are very disappointed that the Ontario Housing Corporation and the Ministry of Housing are underspending their capital allotment by about $25 million or $30 million this year, which means that they are underspending, if you consider what CMHC would put up with provincial equity, by the equivalent of some 10,000 rental housing units which the province could be initiating or could be encouraging, if it really had the interests of the rental housing sector at heart. But there is no policy and that money is going down the drain. And frankly, that is deplorable.

Mr. Drea: What would you do if the municipality won't take that?

Mr. Cassidy: We are suggesting that the province negotiates with the municipality in order to set targets for the provision of rental housing for people on low and modest incomes. It doesn't have to be public housing. It can be co-operative, it can be non-profit, it can be municipally-owned.

Mr. Drea: What if the municipality still says no?

Mr. Cassidy: It can be integrated with private development. There are all sorts of ways you can go. But there has got to be a will on the part of the province to see that that housing is provided.

Mr. Drea: What if they say no?

Mr. Cassidy: And that will is lacking right now. That will is just not there.

Mr. Drea: What do you do if the municipality says no?

Mr. Speaker: Order, please.

Mr. Cassidy: We would come and make a decision about that, after the municipality indicated it was absolutely adamant. But I would suggest to you, Mr. Speaker, if the municipality was absolutely adamant about not being willing to take any responsibility for providing housing for people on low or modest incomes within its borders, that its own electorate, its own residents would very quickly say to the municipal leaders, "You're full of bunkum. You're not behaving responsibly" and they would see a better attitude was taken.

The problem right now is when the province comes in at the last minute and says, "We want a public housing development with 200 units"—

Mr. Drea: Your colleague to the north of me—

Mr. Speaker: Order, please. The hon. member for Ottawa Centre has the floor.

Mr. Cassidy: I'm having fun, Mr. Speaker. It's when the province tries to shove public housing down the throat of municipalities, like Scarborough—

Mr. Drea: Not in my riding, it doesn't.

Mr. Cassidy: Yes—that's when we get into the problems right now.

If I can go on, we believe that the responsibility for enforcement of landlord and tenant matters is now split three ways and that's wrong. Right now, the rent review administration has jurisdiction over rents; the courts have jurisdiction over landlord and tenant matters—evictions and so on—and the small claims courts have jurisdiction over unpaid rents.

Tenants and landlords are both denied justice because the system is costly, cumbersome and slow. We believe that the responsibility for the administration of these three major areas of landlord-tenant relations should come under one authority and that the services in these three areas should be available and cheap, accessible and quick.

We suspect that the most logical ministry to do this is that of the Attorney General—certainly it is not the Ministry of Consumer and Commercial Relations. The most logical means would be a landlord and tenant court which operated in close proximity to rent review offices. We believe that officers of the landlord and tenant court should have the power to undertake cases on behalf of landlords and tenants when enforcement cannot be achieved by the initiative of one party alone.

One of the tragedies of the present situation is that when a tenant is intimidated and the landlord is charging him far more than the law permits but the tenant fears to speak

up, there's no monitoring by this government to find out whether or not that law is being obeyed.

Mr. Drea: That is not true.

Mr. Cassidy: That is certainly true. There is no monitoring. We have no information like that.

Mr. Speaker: Order, please. The hon. member only has the floor.

Mr. Cassidy: I have brought cases before the Legislature—the case of the buildings owned by Ernest Assaly in Ottawa is a good one. There has been no action by the government. The ministry promised that the Attorney General's people, the Crown attorneys, would take on cases on behalf of tenants but as yet I know of no instances in which any such case has actually been taken up by the ministry.

In order to ensure that the law is complied with we believe that either the courts or the municipality should maintain a public registry of rental buildings and landlords should be required to file rents and services once a year. They should be required to comply with the present provisions for posting within their buildings which are ignored in 99 per cent of the cases. The courts should also be a centre for providing information and counsel about the rights and responsibilities of both landlords and tenants.

Further, in order to reduce the need for landlords and tenants to refer to government, a standard lease should be introduced in Ontario which ensures that every tenant is aware of his rights and obligations under the law. We believe that the right of tenants to form a tenants' association and to choose representatives to speak on their behalf with landlords should be recognized by law. Tenant associations should be guaranteed the right to communicate with their members and to provide services for tenants.

Finally, and I'm sorry I haven't got the time to elaborate on this, in the very near future and provided that tenant associations do become recognized in law, we could see that an alternative to rent review could be created which would exempt any bulding from rent review where the landlord and the tenants' association had reached an agreement about rents, services and other matters of mutual concern, and where the agreement had been ratified by a majority of tenants. As long as this agreement lasted that landlord and those tenants shouldn't have to go to rent review. The protection of rent review, however, should remain where no such building agreement exists or where such an agreement lapses.

This is a set of very positive proposals which we have put forward. We think the minister's commitments are hollow and we think the government is shilly-shallying. We suspect it is deliberately trying to lead tenants down the garden path with the intention of letting rent review lapse during the course of the next campaign in the spring. We will bring the government to account if it goes forward in that way.

We believe it's only fair to tenants and landlords that the government act now and that it allow its proposals to go to public scrutiny and public hearings now or in January. We think the law on rent review needs to be changed in order to cut red tape, reduce costs and make the programme more equitable. We believe that can and should be done in a way everybody understands and in a way that everybody, including the landlords, will agree to. They're fed up with the red tape just as much as the tenants.

[1:00]

Mr. Speaker: Is the hon. member about to complete his remarks?

Mr. Cassidy: I have about one more minute, Mr. Speaker, if I could have your consent.

We think the landlord-tenant law needs to be improved and we think the government needs to bring in a policy to ensure an adequate supply of rental housing for people on low and modest incomes.

It's tiresome to have to badger the government to respond now to tenants who are worried about whether rent review will continue. It's tiresome to have to press continually for improvements in landlord and tenant law when they are long overdue. But the reluctance of the Conservative government to give tenants a fair deal, and to respond to Ontario's need for housing for people on low and modest incomes, makes me suspect that after 33 years it's simply tiresome to have a Tory government.

Mr. Speaker: Would someone move the adjournment of the debate?

On motion by Hon. Mr. Irvine, the debate was adjourned.

Hon. Mr. Irvine: Before moving the adjournment of the House, Mr. Speaker, I'd like to have the concurrence of the House to

table the answers to two questions on the notice paper.

Mr. Speaker: Do we have that concurrence?

Some hon. members: Agreed.

Mr. Speaker: Agreed.

ANSWERS TO WRITTEN QUESTIONS

Hon. Mr. Irvine tabled the answers to questions 165 and 166 standing on the order paper. (See appendix, page 5374).

On motion by Hon. Mr. Irvine, the House adjourned at 1:02 p.m.

APPENDIX

(See page 5373)

Answers to questions were tabled as follows:

165. Mr. Warner—Inquiry of the ministry: Would the Minister of Colleges and Universities respond to the recommendations contained in the study of the Incremental Costs of Bilingualism in Ontario Colleges of Applied Arts and Technology, August, 1976, conducted by Price Waterhouse Associates? Should such a response be forthcoming no later than next spring? In particular, will the advisory council establish specific objectives for the bilingualism grants programme?

Answer by the Minister of Colleges and Universities:

Inasmuch as the study "Incremental Costs of Bilingualism in Ontario Colleges of Applied Arts and Technology" discusses methodologies which if applied would relate to funding of the colleges, I have referred this report to the Ontario Council of Regents, since I normally seek their advice on matters relating to funding these institutions.

166. Mr. Warner—Inquiry of the ministry: How does the Ministry of Colleges and Universities intend to meet the general objectives of those universities which are involved with French/English bilingual, bi-cultural programmes, as outlined in the study of Incremental Costs of Bilingualism in Ontario Universities, July 1976? In particular, will appropriate funding, relating costs to objectives, be advailable to meet the following objectives: (a) The provision of educational opportunities to franco-Ontarians in their own language; (b) the protection and development of French culture in Ontario; (c) the furtherance of bilingualism and bi-culturalism in accordance with national aims; (d) the encouragement of students to learn English and French; (e) the encouragement of teaching staff to become bilingual; and (f) the increasing of public awareness as to the bilingual nature of the institutions.

Answer by the Minister of Colleges and Universities:

Since the study "Incremental Costs of Bilingualism in Ontario Universities" discusses methodologies which if applied would relate to funding of the universities, I have referred this report to the Ontario Council on University Affairs since I normally seek their advice on matters relating to funding these institutions.

However, the government has for several years provided additional funding to the bilingual institutions for their special needs in that area. An outline of the current situation related to the specific points raised in the question follows:

(a) The provision of educational opportunities to franco-Ontarians in their own language:

Bilingual grants are provided to the following institutions to fund the extra costs of offering programmes in French. These grants, which are in addition to the amount of grant per student received by the institution for every student, whether French or English, are as follows for 1975-76 and 1976-77.

	1975-76	1976-77	Percentage Increase
Laurentian University	$ 600,000	$ 690,000	15
University of Sudbury	25,000	29,000	15
College de Hearst	20,000	23,000	15
University of Ottawa	2,310,000	2,888,000	25
St. Paul University	25,000	58,000	132
York University, Glendon College	140,000	161,000	15
	3,120,000	3,849,000	23

Special grants for development of new courses in French, based on recommendations from the Advisory Council for Franco-Ontarian Affairs, have already been offered in 1976-77 to bilingual institutions to help them initiate new courses in French.

Laurentian University	$ 50,000
College de Hearst	22,300
York University, Glendon College	32,500
Inter-university study group on Franco-Ontarian facts	33,600
Total	$138,400

According to Ministry of Education data, 3.6 per cent (1,862) of the grade 13 students in 1974 were French-speaking. Based on this percentage, the number of French-speaking students entering universities was roughly 1,380 in 1975. The present range of offerings at our institutions is limited by this student population base. The universities are encouraged to set up viable programmes in French when needs are established. However, there are often difficulties in finding bilingual or francophone professors to teach such courses.

(b) The protection and development of French culture in Ontario:

Although this is within the purview of the Ministry of Culture and Recreation, MCU supports the efforts of post-secondary institutions in this area.

On the recommendation of the Advisory Council on Franco-Ontarian Affairs, the minister has just approved a special grant of $33,600 to five bilingual universities and colleges for the planning, development and launching of a programme of seminars, colloquia and courses entitled Realités Franco-Ontariennes.

(c) The furtherance of bilingualism and biculturalism in accordance with national aims:

The aims of the federal-provincial programmes for bilingualism in education are: (1) To provide an increased opportunity for Canadians of the majority official language group in each province to acquire a knowledge of their second official language; and (2) to provide an increased opportunity for Canadians of the minority official language group in each province to be educated in their first language. The provincial emphasis is directed towards the latter.

The bilingualism grants provided by the province to the universities are larger than the financial assistance received by the province from the federal government in direct support of bilingual post-secondary education. In 1974-75, the bilingual grant to universities totalled $2,818,000 while the federal support amounted to $1,884,000.

Ontario administers all bilingual programmes financed by the federal government, directly or through the CMEC, and for which there is a demand in the province.

(d) The encouragement of students to learn English and French:

There are two main federal-provincial programmes to promote learning of French: (1) The fellowship for studying in French which provides students with up to $2,000 for their first year of studies in French and is awarded on academic merit; (2) the summer language bursary programme which provides $750 to students taking a summer course at an accredited institution.

In addition, the province also administers the second language monitors programme, and special projects to fund non-credit French language courses.

There is little need in Ontario to encourage francophone students to learn English. The immersion in an English speaking milieu is usually conducive to most franco-Ontarians becoming bilingual at an early age.

(e) The encouragement of teaching staff to become bilingual:

The federal-provincial programme of teachers' bursaries was designed to encourage teachers to take summer courses to improve the quality of their teaching, either of French or in French. Fifteen hundred bursaries have been awarded in 1976-77.

(f) The increasing of public awareness as to the bilingual nature of the institutions:

The ministry makes every effort to publicize not only the fact that some Ontario universities are bilingual, but also all federal-provincial and Ontario-Quebec exchange programmes.

Most of the major publications of the ministry are either bilingual or printed separately in each language.

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No. 130



Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Third Session of the 30th Parliament

Monday, December 6, 1976

Speaker: Honourable Russell Daniel Rowe
Clerk: Roderick Lewis, QC

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LEGISLATURE OF ONTARIO

MONDAY, DECEMBER 6, 1976

The House met at 2 p.m.

Prayers.

SUPPLEMENTARY ESTIMATES

Hon. Mr. Auld: Mr. Speaker, I have a message from the Honourable the Lieutenant Governor signed by her own hand.

Mr. Speaker: By her own hand, P. M. McGibbon, the Honourable the Lieutenant Governor, transmits supplementary estimates of certain additional sums required for the services of the province for the year ending March 31, 1977, and recommends them to the legislative assembly, Toronto, December 6, 1976.

Mr. Speaker: Statements by the ministry.

RUST PROTECTION WARRANTY

Hon. Mr. Handleman: Mr. Speaker, as most members now are aware, a new standard rust protection warranty is being offered to consumers through the combined efforts of Ontario motor vehicle dealers and my ministry.

An increasing number of complaints, indicating that consumers ran into a brick wall when they tried to obtain redress for a rusted car, prompted the ministry's investigation of the rust protection business several months ago.

Car dealers sold rust protection as a service to their customers, applying a compound supplied by outside agencies which offered their own warranties. If rust appeared, the excuse of the dealer often was that the fault lay in the supplier's material. If the supplier was confronted, the problem was blamed on shoddy application by the dealer. Either way, the consumer was caught in the middle.

Consumers who placed faith in the warranties offered by suppliers soon found these were no guarantee of satisfaction either. The documents often contained so many loopholes as to be virtually useless.

To solve the problem the ministry's motor vehicle dealer branch initiated discussions with both the Toronto and the Ontario Automobile Dealers Associations. The result is a uniform rust-inhibitor service warranty, which all dealers have been requested by their associations to adopt.

They have also agreed to remove the term rust-proofing from all advertising material because it tends to mislead consumers. Rust-inhibiting compounds may offer several years of protection but they do not provide absolute rust-proofing.

The new warranty is to apply for a period of five years or 50,000 miles, whichever comes first. Consumers who have purchased the process from participating dealers will be guaranteed that the underbody, frame and all enclosed parts of the vehicle have been treated correctly.

Consumers must return the vehicle for annual check-ups if the warranty is to apply. This gives the dealer the opportunity to make sure the compound was applied correctly. If rust is found, it is the dealer's responsibility to repair completely or replace the damaged area or part, free of charge.

Dealers bear total responsibility for the rust-protection job even if the compound used is supplied by an outside agency. They are also responsible if they refer customers to an independent rust-protection company for any remuneration. Warranties provided by suppliers may be offered as well as long as the basic consumer rights in the standard warranty are not diminished by disclaimers or hidden phrases.

Discussions with the independent rust-protection companies are still continuing. Some have already agreed to change their approach and adjust their warranties to conform with the standards that now apply to dealers.

The ministry has reached mutual agreement with the industry on this warranty. It provides consumers with a reasonable standard of protection and ensures that dealers will live up to their responsibilities in the rust protection field.

Mr. Speaker, now for the bad news.

FINANCE COMPANY SOLICITATIONS

Hon. Mr. Handleman: The Christmas season has always been a favourite time of

year for some members of the community to take advantage of the general feeling of good will among consumers. I would like to take this opportunity to warn members and the public at large of one such scheme which came to my attention yesterday.

A major finance company is distributing to its so-called preferred customers a promissory note which is labelled as a cash voucher.

I would like to read the letter accompanying this promissory note.

"Dear Customer: Enclosed is a voucher in your name which is good for $506.94. Just sign the voucher and return it in the enclosed self-addressed envelope. You will receive your cheque for $506.94 by return mail."

Mr. Moffatt: Sounds like a home buyer's grant.

Hon. Mr. Handleman: "That is all there is to it. No office visits required. No red tape. No additional forms to fill out. Simply sign the voucher and return it to me. This offer is made to you as one of our preferred customers. So return your signed voucher today and you will receive a cheque for $506.94 in the earliest return mail possible. You can be sure of my personal attention."

Mr. Lewis: Absolutely incredible.

Hon. Mr. Handleman: "Best wishes for a happy holiday season. P.S. Act now. Remember you only have 15 days to send in the voucher. Also, if you need a larger loan, call me personally."

Mr. Lewis: Come on.

Mr. Moffatt: Is that signed by the Premier?

Hon. Mr. Handleman: The overall effect of this representation could mislead the consumer into supposing this is an offer of special benefit to him when in fact it is an offer of a loan at an effective annual rate of interest of 21.5 per cent.

There may be nothing specifically illegal about this solicitation although my lawyers are looking at it carefully.

Mr. Lewis: It sure is misleading.

Hon. Mr. Handleman: Not every immoral action is illegal. But if we cannot proceed under statute, I will ask the company to withdraw this campaign voluntarily. One way or another, it must be stopped.

If members of the business community wonder why they are plagued by consumer legislation they need only look to actions of this kind which cry out for a response from government.

I urge members of this House to draw any further solicitations of this kind to my attention.

Mr. Moffatt: What is the name of the company?

Mr. McClellan: The name of the company.

Mr. Lewis: On a point of order, because I don't want to take the question period time for this, Mr. Speaker, do I understand that the minister prefaced his statement with an indication that he wanted to bring to the attention of the public one such solicitation, taking advantage of Christmas cheer? Does the Speaker not think it would assist the House if we and the public were told the name of the finance company he is speaking of?

Mr. Singer: That's not a point of clarification or order or anything else. How about calling him to order?

Mr. Lewis: Yes, it is. Certainly, it is.

Interjections.

Mr. Speaker: Order, please. Any further questions should be directed during the question period.

Interjections.

Mr. Lewis: On a point of order, Mr. Speaker.

Mr. Singer: Why doesn't he ask it in question period the same as everybody else?

Mr. Speaker: I really don't think it's a point of order.

Mr. Lewis: I was trying to raise a point of order, whatever the barracking. I don't think it should be necessary for us to take time during question period to ask a question which should have been answered when the statement was made.

Mr. Singer: Nonsense. There is not one set of rules for him and another for somebody else. Call him to order.

Mr. Lewis: Now, what kind of silliness is that?

Mr. Speaker: Order, please. If there is an answer to it or if it is a general warning—

Hon. Mr. Handleman: If I might speak on the point of order—

Mr. Singer: It is a question of whether he is in order or not.

Mr. Foulds: Is the company one of the clients of the member for Wilson Heights?

Mr. Speaker: Does the hon. minister have a further comment on that?

Hon. Mr. Handleman: Mr. Speaker, on the point of order, what I was trying to bring to the attention of all members and the public at large is that this kind of solicitation is taking place and that we would like to put a stop to it.

Mr. Speaker: That was my understanding.

Mr. MacDonald: Name them.

Mr. Singer: Now we've got a debate going on between the Leader of the Opposition and the minister, before the orders of the day.

Hon. Mr. Handleman: If anybody wishes to ask me, I'd be prepared to identify the company.

Interjections.

Mr. Speaker: Oral questions.

Mr. Breithaupt: Ask him what the name is.

FINANCE COMPANY SOLICITATIONS

Mr. Lewis: To the Minister of Consumer and Commercial Relations: Would he like to share with the Legislature and the public, whose transactions and misleading solicitations he has described?

Hon. Mr. Handleman: First of all, I don't know yet whether they're misleading in terms of our legislation. The company under whose letterhead this solicitation is made is Household Finance Corporation.

Mr. Lewis: Thank you.

Mr. Reid: Why didn't the minister say that in the first place?

OCCUPATIONAL HEALTH

Mr. Lewis: May I address a question first to the Minister of Labour? Do I take it the Minister of Labour knows of the unprecedented and welcome letter from Dr. William McCracken of the Workmen's Compensation Board to the medical profession, where Dr. McCracken actually solicits information from the profession on industrially-generated diseases? I think it's the first time it's ever happened with the board. Can we ask her, following on from this, to see whether the board would initiate the second phase, which is to track down those workers in industries who may have been exposed to industrially-generated disease and will subsequently fall ill?

Hon. B. Stephenson: The action taken by Dr. McCracken was with the co-operation of the general secretary of the Ontario Medical Association. It is a move further than has ever been taken, I think, by a medical director of the Workmen's Compensation Board, in earlier days and it will be a very useful activity. It is my hope that the occupational health division or branch of the Ontario Medical Association will spearhead the responses to this request.

In response to the second question posed by the hon. Leader of the Opposition, it seems to me the initial activity which is necessary is to find out from every single industrial establishment in this province the history of those chemicals which have been used and those chemicals which are being used at the present time. The Ministry of Labour itself has taken that on as the initial move in the direction which he is suggesting; that has already been done.

Mr. B. Newman: Supplementary: Would the minister require all manufacturing companies in the province of Ontario to submit a list to her every time they order any type of chemical, so that she would have a complete list of the chemicals ordered by that company at the time of ordering them?

Hon. B. Stephenson: Most industrial establishments are aware, as a result of their long-range planning, of the kinds of chemicals which they are likely to be using within the foreseeable future, and we have asked them to give us full information about those which they have used in the past, are presently using and will probably be using in the future.

Mr. Lewis: Supplementary: Since the board has now moved in this important way, might it not also look at those industries where there is a clear incidence of occupationally-related disease—the Reeves Mine comes to mind—and begin to track down workers who may have had undue or excessive exposure since we are finally transforming the role which the board has seen fit to play up to now?

[2:15]

Hon. B. Stephenson: This is a very desirable activity and one I believe the board

wishes to carry out. There are some problems related to it. The development of nominal roles in the asbestos industry, for example, is inhibited somewhat by the mobility of the workers from that area and our apparent inability to receive from other Workmen's Compensation Boards and other agencies the kind of information which would be useful. A great deal of thought is being given to that specific activity and I am sure something of that sort will be established.

Mr. Godfrey: Will the minister now initiate an inquiry from Chipman Chemicals Limited in Hamilton about workers who have been exposed to leptophos over the past 10 years?

Hon. B. Stephenson: The Chipman Chemicals company has informed us that it is using leptophos in the trade name variety, Phosvel, which it acquires from a distributor in Mississauga, known as Velsical Corporation of Canada. Apparently this material is used to kill cutworms on tobacco plants, primarily. It is shipped out in 300-pound containers which are sealed and which consist of flakes. I gather for the tobacco industry it is mixed with xylene and sprayed.

The workers in that plant specifically have been under the supervision of The Industrial Safety Act and the industrial safety inspectors have been in the plant. I believe the last time was in March or April of this year. At that time no directions were left because this particular chemical company has such a good health and safety record. Instead of being on a six-month cycle for inspection they are now, I think, on a 12-month or even a 24-month cycle, because their record is excellent.

All of the workers have been supplied with complete protective equipment—coveralls; rubber aprons; rubber boots; masks; goggles; hats; gloves—and they have had no problems at all because Dr. Strickland has tested most of the workers who have been involved with that drug. Specifically, at the Hamilton General Hospital, they have had cholinesterase tests done with some regularity and there is no evidence at all of any abnormality.

Mr. Lewis: A question related to that, to the Minister of Agriculture and Food, if I may. Is the minister aware that the United States federal government has refused to issue a licence for the use of leptophos as an agricultural pesticide? Will his ministry and the Ministry of the Environment give serious consideration to removing leptophos as a pesticide in use, I guess it is, under schedule 2 for agricultural purposes in view of the information coming from the United States about the very severe nerve damage done to some who are exposed to that pesticide?

Hon. W. Newman: Yes, Mr. Speaker, I'll be glad to talk it over with the Minister of the Environment (Mr. Kerr).

Mr. Lewis: And then perhaps report back to the House?

Hon. W. Newman: I really think the answer should come from the Minister of the Environment but I will discuss it with him.

Mr. Lewis: May I ask, by way of supplementary, has the minister been made aware of the potential hazards associated with leptophos? Has anything come to his attention?

Hon. W. Newman: It has come to the attention of the ministry and I was aware of it but I wasn't aware of the total effects of using it.

FUNDS FOR MENTALLY RETARDED

Mr. Lewis: If I may, a question for the Minister of Community and Social Services. Is it possible for the minister to comment on the letter he received, dated November 18, from the Georgian Bay Council on Mental Retardation, drawing to his attention the absence of government support of a number of light skills programmes put forward by community groups—with implicit or explicit approval from the ministry, though no funding—from Owen Sound, Port Elgin, the Dufferin area, Orillia, Collingwood, Barrie and Walkerton? Can he give some explanation about the delay within the ministry?

Hon. Mr. Taylor: I would be happy to share with the Leader of the Opposition my response to that particular matter. I will see that he gets a copy of that.

Mr. Lewis: By way of supplementary, if I may, was the minister not aware of the very strong concern being voiced by the Georgian Bay Council on Mental Retardation at the delay in approval of projects which were discussed with the ministry, sometimes as far back as July and August and left hanging until today, describing therefore how the feeling among those responsible for finances in the workshops has turned from optimism in 1975 to depression, et cetera?

Hon. Mr. Taylor: This is a continuation of some comments I made last week. As the Leader of the Opposition knows, or should know, all of the projects that are desired in an area are discussed not only with the local Association for the Mentally Retarded but

through the district working groups, and we have 19 such district working groups now in place in Ontario and functioning very well.

May I also say what we did in my ministry—and I may say I've ensured that it was so—was, with the money that is provided in the budget, we set forth goals in terms of number of places or additional places in workshops, accommodation places and so on. Those statistics are all available and I'm happy to say that we are really in advance of our target.

In general terms, we are really exceeding our expectations in regard to providing more places in workshops and more accommodation. As I explained last week, there were some problems in regard to financing some things, principally workshops. That was due, I think principally, to an expansion of their programmes without prior consultation or approval from the ministry which meant, of course, an adjustment of their budgets. Their budgets were approved and they may have surmised that they could proceed with an expansion of the programme, whereas their budget only accommodated the existing level of programme.

Mr. S. Smith: I have a brief supplementary. This question was asked last week. Has the minister yet found out why it is that the monthly salary money has not been received by some of these workshops, in particular the one in Alexandria, which I drew to his attention last week? Does he have an answer on that yet?

Hon. Mr. Taylor: Again, with the individual workshops—and I believe we have 138 in Ontario—it's difficult to deal with those in the question period other than the individual one. May I say that what we have done, and again I ensured this, was to accommodate the operation of workshops and other programmes to providing regular monthly payments as opposed to payment upon submission of claims. I thought that would ensure an orderly cash flow and assist the operation of these programmes.

Mr. Gaunt: Supplementary: Is the minister aware that the delays apply not only to workshops in operation in asking for increases but they also apply to new workshops—specifically I can give the minister one, the new workshop in Wingham, where the delay was over a year—and is the minister prepared to take a look at the procedures in respect to the rehabilitation branch in his ministry to see whether it couldn't be streamlined, because even the regional people are getting discouraged?

Hon. Mr. Taylor: May I say that not only was I prepared to take a look but I did, in fact, take a look and have streamlined the internal operation that was actually divided between the two parts of the ministry, the part dealing with the developmental side, that is the side pertaining to mental retardation, as opposed to the other resources. We have combined that now and I think members will see much better progress in terms of tying these programmes together and expediting the clearance or approvals of them. I want the member to know I'm most mindful of the problem that did exist and I think we've resolved that now.

Mr. McClellan: Do I understand the minister to say, or is my understanding correct, that at least in some of these cases, for example, Owen Sound, the budget was cleared by ministry officials at the local level who gave approval but not by the ministry here in Toronto? If that is the case, what is happening within his ministry to cause this kind of confusion between the local office and guidelines coming from the centre?

Hon. Mr. Taylor: No, I hope the member did not understand me to say that because I hadn't said that.

CULTURAL AGENCIES' BUDGETS

Mr. Lewis: I just want to ask one brief question of the Minister of Culture and Recreation, speaking to his philistinism. May I ask the minister why he's taking such a particularly hard line towards a number of specific cultural agencies, quite apart from the 95 per cent level which I'm sure he can explain to the House, in subtracting what they are able to elicit from the public from what the government will give them? That's an unusual policy. What brought the minister to that?

Hon. Mr. Welch: I'm very pleased that the Leader of the Opposition has raised this question because it provides me with an opportunity to correct some misunderstanding which the story writer obviously shares.

Mr. Singer: I happen to have 10 pages here.

Hon. Mr. Welch: Actually, it's not unusual at this particular time of year that we would be discussing the next fiscal year. We're going through the budgetary process and we've invited our agencies to share in this particular consideration by submitting their requests to us in a certain form. We're par-

ticularly interested in their revenues as well as their requests with respect to overall spending.

I think the story, particularly as it relates to private donations, is misunderstood because some of these agencies are supported partially from the private sector for specific projects and wouldn't be interfered with in any way. We are interested only as they would relate to general operating expenses and, therefore, we wanted a breakdown with respect to other sources of revenue in this way.

Under the circumstances, I feel it's very misleading to suggest the minister has either been hard or unreasonable because all that's going on at the moment is the budgetary review in order that I might have the information I need with respect to their priorities when it comes time to present my budget for the consideration of my colleagues.

Mr. Singer: Supplementary: I wonder if the minister could advise us if it is in fact correct, as the newspaper article suggested, that in his talks with various agencies—the gallery, the museum, Science Centre and so on—he cautioned them that these talks, or the five per cent deduction, should not be made public? Is that in fact correct?

Hon. Mr. Welch: Certainly near the end of the meeting, I shared with the agencies that it would be difficult if they were to do their job properly if they did not fully disclose the results of our meeting with their respective boards; that if there was to be any publicity given to this it would be very important that all the facts and figures, all the information, be shared and that might be difficult at this stage.

I even went so far as to suggest that if they weren't careful with respect to the information that was being given to them, they might well expect within a few days to see headlines saying: "Welch has cut budgets five per cent."

Mr. Breithaupt: And that is what they got.

Hon. Mr. Welch: Interestingly enough, that's exactly what happened. I think that's very unfortunate.

Mr. Foulds: Supplementary: In order to clear up this unfortunate situation, would the minister be prepared to table in the House the letters that he has subsequently sent out to the agencies as a result of his meeting and that are referred to in the article?

Hon. Mr. Welch: Inasmuch as the partial contents of these letters have now been made public, there'd be every reason to table the letter which I made available to the chairman of each agency at the conclusion of that meeting. I'd be very glad to do that.

OHTB BUS LICENCE

Mr. S. Smith: A question for the Minister of Transportation and Communications: Is the minister aware and can he explain why it is that in 1961 the Ontario Highway Transport Board ruled against Greyhound's application to overrun the area that's covered by Gray Coach Lines and listed as part of their reason for ruling against it: "The board accepts the evidence that it feels the profitability of the operation of Gray Coach between Toronto and Sudbury would be adversely affected if this application were granted?" What has happened since 1961 and why should there be such a fundamental change now?

[2:30]

Hon. Mr. Snow: As the Premier has just stated, 15 years have gone by since 1961.

Mr. S. Smith: He obviously didn't take his math under the Minister of Education (Mr. Wells).

Hon. Mr. Davis: That's the old math.

Hon. Mr. Snow: I'm not aware of the full background of any decision made in 1961. I'm not saying that after considering an application at that particular time that may—I accept the fact that that probably was the decision of the board at that time.

Mr. Warner: You didn't have Eddie Goodman for a lawyer then either.

Hon. Mr. Davis: He is not writing editorials.

Hon. Mr. Snow: A lot of things have happened in public transportation since 1961. A lot of applications have been made to the Highway Transport Board, both in the trucking industry and the bus industry. What may have been a very valid point in 1961 I don't think would necessarily be as valid or more valid in 1976.

Mr. S. Smith: By way of supplementary: Given that this is a fundamental change from the franchising method of dealing with bus services up to now, why would the minister set up a select committee to look into regulated trucking and the licensing thereof yet allow one or two men—which is all it was—

to make this decision which is a fundamental change in franchising operations in the province of Ontario?

Mr. Haggerty: Loss of jobs affected too.

Hon. Mr. Snow: I do not accept that it is a fundamental change. There is no way that I can see by which the members of the Highway Transport Board have made any change in policy.

Mr. S. Smith: Where else is there an overrun?

Mr. Reid: Come on.

Hon. Mr. Snow: They look at applications before the board based on the public need and necessity for service as they do in applications for licences for the hauling of goods or the transportation of passengers.

Mr. S. Smith: By way of supplementary—

Mr. Speaker: The member for York South with a supplementary.

Mr. MacDonald: May I ask the minister, is it or is it not government policy that a public transportation company such as Gray Coach should be able to make profits on one line in order to have the financial resources to extend lines into non-profitable areas in the province? If that is government policy, why does a quasi-judicial body like our Highway Transport Board not have to operate within the framework of that policy?

Mr. Warner: Right on.

Hon. Mr. Snow: I don't think there is any policy which states that any bus company, whether it be Gray Coach or any—

Mr. Reid: Just say there isn't any policy.

Hon. Mr. Snow: —other operator, has to operate certain lines at a profit and other lines at a loss. There is no policy which says any company has to operate certain lines at a loss and subsidize them from other lines.

Mr. MacDonald: Supplementary—

Mr. Reid: Supplementary—

Mr. S. Smith: Supplementary—

Mr. Speaker: Order, please. We can't pursue these points too far. We're into a debate. The member for Hamilton West, with a further supplementary on this.

Mr. S. Smith: Yes, that's right. Since the minister answered my previous question by saying it doesn't represent a change in policy to have another company overrunning a major route presently held by one company, can he please list for this House other major routes between major centres in the province of Ontario which are presently being overrun by another company on the same route? Clearly that's a change in policy.

Hon. Mr. Snow: I don't think that indicates a change in policy at all. I don't believe there is—

Mr. Nixon: It certainly does.

Mr. Reid: You have destroyed the whole concept of franchises.

Hon. B. Stephenson: When did Gray Coach have a franchise?

Mr. S. Smith: We are for Gray Coach.

Mr. Speaker: Order, please.

Hon. Mr. Snow: I have trouble in comprehending the position of the Liberal Party in this particular case. We have discussed trucking and when one looks at the recommendations of the select committee and one looks at the points made by members of the Liberal Party in previous debates in this House, from what I have seen, they have been totally in support of having more competition in the industry.

Mr. Cunningham: With common sense.

Hon. Mr. Snow: Now, in this particular case, they are against competition all of a sudden.

Mr. S. Smith: It is a change in policy.

Mr. Speaker: A final supplementary. The member for Durham East.

Mr. Moffatt: Mr. Speaker, would the minister agree there is a difference between transportation of goods and transportation of people and that he cannot, in fact, make the two policies work exactly the same way for the two different areas?

Mr. Nixon: Not in his mind.

Hon. Mr. Snow: I think I would have to agree, certainly, that there is a difference in the two Acts—

Mr. Moffatt: For the two committee areas.

Hon. Mr. Snow: —but I think the basic principle of the two Acts is supplying a proper service to the people of Ontario, whether it be for the transportation of passengers or the transportation of goods.

Gray Coach Lines has had the opportunity for many years to improve its service and to meet the needs of the travelling public over these particular routes if it had wished to do so. It has not done so, in the opinion of the board, as I read the decision, and the board has decided that with the increase in traffic there should be additional service on those routes.

Mr. S. Smith: I would like to ask a question of the Premier on this same topic. Does the Premier not agree that the effect of this Highway Transport Board decision, in addition to making fundamental policy which should be the role of the government, is substantially to give away a $10-million asset belonging to the public, giving it away to a private American-controlled giant? Does he not substantially agree that this is what is happening?

Hon. Mr. Davis: No, Mr. Speaker. I don't want to disappoint the member for Hamilton West. There are some things about this that, if it comes to cabinet, we will be discussing and that I am interested in, but I would have to say to the hon. member for Hamilton West that I just do not agree with his supposition in this particular instance.

Mr. S. Smith: By way of supplementary, would the Premier not agree, from his considerable experience in the business world, that two lines which are producing approximately $800,000 in profit annually, should they substantially be unusable by Gray Coach after a year or so of this division of the number of passengers between themselves and Greyhound, given the fact that Greyhound can run express and Gray Coach is forced to run local, if that $800,000 is lost annually, would the Premier not say that's equivalent to approximately an $8-million to $10-million asset that has been taken out of public hands and put in private hands, American-controlled?

Hon. Mr. Davis: Mr. Speaker, drawing on my considerable experience in the business community, my answer to that would be not necessarily so.

Mr. S. Smith: That's why you won't handle my account.

Hon. Mr. Davis: Well, it's a silly question.

Mr. Foulds: Well, you didn't have to give a silly answer.

Hon. Mr. Davis: Ask the member for London South (Mr. Ferris).

Mr. Deans: It's not really all that silly.

Mr. Lewis: Supplementary to the Premier: Is the Premier aware that Michael Warren, a man once much revered in the Conservative ranks—

Hon. Mr. Davis: Now, that's not true.

Mr. Lewis: Was he not much revered?

Hon. Mr. Davis: He was a public servant.

Mr. Lewis: That's what I mean, much revered.

Hon. Mr. Davis: By yourselves as well.

Mr. Lewis: By everybody, but by you as well. My apologies.

Mr. Speaker: Does the hon. member have a question?

Mr. Lewis: Michael Warren, a man who had an ambivalent position in the ranks of government but is now heading the TTC—is the Premier aware that Mr. Warren has said the duplication of routes granted by the transport board to Greyhound will result in the necessary curtailment of rural routes and other routes by Gray Coach? He even named them; he said places like Owen Sound—

Mr. S. Smith: And Shelburne, Wiarton.

Mr. Lewis: —and Alliston and so on—in western Ontario, and that, therefore, what we have effectively done is to skewer the excellent service to certain areas of Ontario provided by Gray Coach. Can the Premier not allow for a cabinet rehearing from Gray Coach and the union and the TTC before there is any discussion?

Hon. Mr. Davis: Mr. Speaker, I certainly am not going to debate the view of the head of the TTC at this moment. As regards an observation by Mr. Warren that, because of a certain situation on two runs, Gray Coach is going to reduce its service on other runs—with great respect to Mr. Warren, I don't believe that necessarily has to be the case.

Mr. Warner: Give them further subsidy.

Mr. Reid: You don't know the economics of the situation.

Hon. Mr. Davis: Listen, I confess to a vested interest in this. Gray Coach comes right by my door and I am very interested—

Interjections.

Hon. Mr. Davis: So does the GO service. I mean a lot of people go right by—a lot of

them drop in too. Gray Coach doesn't, although it stops right across the road.

Mr. Warner: Does the Greyhound stop?

Hon. Mr. Davis: My mother uses it fairly regularly, so there is no way that I want to see Gray Coach service reduced. But I do say—and I say this without being facetious at all—that I understand observations of that kind in the heat of the debate that is going on. I think it is understandable that when any company, whether it's a public company, whether it's transportation of people or merchandise, when they see competition facing them, they're going to try to draw the bleakest picture. This is human nature.

Interjections.

Hon. Mr. Davis: This is obviously part of the approach of some people on this issue. I just say to the Leader of the Opposition, despite the implication that Gray Coach will have to reduce their service to other parts of the community because they may be faced with competition on two particular runs, I say with respect this does not have to happen.

Mr. Reid: They are the only one. Supplementary, Mr. Speaker—

Mr. Speaker: Order, please. May I just point out we're branching out into all sections of this whole area.

Mr. Reid: This is right on.

Mr. Speaker: No. Order, please. The hon. leader's question had to do with the effect of the decision in changing the ownership and the interest from Canadian to US; that was the basic part of it at least. We're getting into the whole question of the whole transaction and we should keep it much narrower. I'll hear the member for Rainy River.

Mr. Reid: Thank you, Mr. Speaker—I don't know how I'm going to work this in!

Mr. Speaker: You promised it was right on.

Mr. Reid: But I'm following my leader's question. Would the Premier not agree it's a responsibility of the cabinet and the government to set government policy in regard to transportation in the province of Ontario, rather than an appointed Highway Transport Board?

Hon. Mr. Davis: I think it's the responsibility of government to do many things—

An hon. member: Do something.

Mr. Reid: Could I have a yes or a no?

Mr. Speaker: Order.

Hon. Mr. Davis: —and one of the responsibilities of the government is to see that the consumer interest, the rights of people, whether they want to be transported by bus, train, automobile or what have you—

Mr. Reid: Who sets the policy?

Hon. Mr. Davis: —are as adequately looked after as possible. I don't argue that for a moment. That is part of our responsibility and we discharge it, I think, relatively well.

Mr. Reid: Who sets the policy?

Hon. Mr. Davis: If what the member really is saying to me is that the policy should be—as he or his leader would like to have it, but not the member for London Centre (Mr. Peterson)—that there be a total monopoly for some situations—

Interjections.

Hon. Mr. Davis: —and that's really what they are suggesting—and that never any consideration be given for competition, whether it be for the transportation of goods or people, once again, I would have to say that I don't think that should be a policy.

Mr. Reid: Have you so directed the transport board?

Mr. Conway: You are out of order and you know it.

Hon. Mr. Davis: If you are saying there should be a total monopoly in perpetuity.

Mr. Reid: I am not saying that. I'm just asking who is running the thing.

Hon. Mr. Davis: Oh, but that is what the member is saying. That's what the member is saying and I'm saying I think that would be an erroneous policy.

Mr. Speaker: Order please. I think there is a new question. The member for Hamilton West.

Mr. S. Smith: A new question on the same topic to the Premier: Since he regards as silly my previous question pointing out that the threatened loss of an $800,000 annual income is equivalent to the loss of a $10-million asset and since he just said that my policy was to keep franchising—

Mr. Speaker: Your question, please?

Mr. S. Smith: —as a reasonable policy, is also silly, would the Premier like to comment on this memorandum from the Treasurer (Mr.

McKeough) to the Minister of Transportation and Communications in which he points out that "bus services have always been controlled to maximize benefit to the public"? He goes on to say: "The reference to free enterprise has bothered a number of present bus line owners, and I can appreciate their view." The Premier knows that this has been the policy in this province—

Mr. Speaker: Is this part of the question?

Mr. S. Smith: —why is it changing and why is it not the government or a select committee that's doing the changing?

Hon. Mr. Davis: Mr. Speaker, with great respect, as the Minister of Transportation and Communications has explained, it does not represent a change in policy.

Mr. Reid: It does.

Mr. S. Smith: The Treasurer thinks it does.

Hon. Mr. Davis: The member for Hamilton West has every right to question the judgement of the Ontario Highway Transport Board; that's fair. But I have to say to him, with respect, I know of no policy that has been laid down by this government that says that John Jones, Henry Smith or Mr. Lewis cannot apply to the Ontario Highway Transport Board for a right to carry passengers or goods and services as long as they comply with the Act. So for heaven's sake understand what the Act provides. Now if you want to dispute—

Interjections.

Mr. Speaker: Order, please.

Mr. Reid: Can you name one other that's been granted?

Mr. S. Smith: There have never been overruns before.

Interjections.

Hon. Mr. Davis: With great respect, there are many instances where franchises and licences have been issued—

Interjections.

Hon. Mr. Davis: Listen, we have overruns in railway transportation.

Mr. S. Smith: It's not those we are talking about.

Hon. Mr. Davis: All right, but listen: There are other boards who grant, shall we say, rights to transport passengers by rail. There have been overruns. In other words, we have two national railways, believe it or not, in this country, and some of them carry passengers through the same community.

Mr. Nixon: That's weak.

Hon. Mr. Davis: I would just say to the leader of the Liberal Party that I know he would like to provoke me into some, shall we say, definitive statement, and I've explained to him—

Interjections.

Mr. Reid: That would be a change in policy.

[2:45]

Hon. Mr. Davis: I just say to the member for Hamilton West, don't ask me the time of day. He knows how long that would take me to answer. But I just have to tell him, as I have tried to explain to the members of this House—and I ask him to seek a little advice from the member for Wilson Heights and the member for Kitchener who are always so careful to look after the legal niceties and the appropriateness or otherwise of making decisions, pending appeals—for me to comment in any specific nature as to this particular situation until it is dealt with by cabinet, if it reaches cabinet, would be totally inappropriate. I have got to say to the member for Hamilton West, in that he was sort of suggesting that somebody had been in touch with the chairman or members of the board as it relates to this decision, we don't believe that that's an appropriate way of doing business either.

Mr. Nixon: Of course he didn't make any such suggestion.

Mr. Speaker: Order, please. May I point out that there have been 15 minutes of each of the lead-off set of questions and 30 minutes have now expired? Are there further questions?

PICKERING NUCLEAR GENERATING STATION

Mr. S. Smith: I have one more question please, Mr. Speaker. A question for the Minister of Energy: In view of the comments quoted from a book, Nuclear Energy: The Unforgiving Technology, quoted in today's Globe and Mail, could he tell us whether there is a secret document called the Pickering Safety Report and whether that particular document does indicate, as suggested here, that during periodic clean-up of

Pickering boiler room concentrations of radioactivity as high as 200 times the maximum permissible were detected and that concentrations higher than maximum permissibles were traced up to two miles away from the reactor? Is that true? Is there such a report and would the minister please table it if it does exist?

Hon. Mr. Timbrell: I haven't had a chance to read that article so I am not familiar with the section quoted by the member for Hamilton West. If he will afford me the opportunity to look into that, I will report back.

WINTARIO

Ms. Bryden: I have a question for the Minister of Culture and Recreation relating to what appears to be an unannounced change in policy on equipment grants to the minor leagues which provide team sports for many Ontario youngsters. In recent years these teams received a number of items of equipment free from the office of the athletic commissioner but this year they were informed, I understand, that the budget for that office no longer existed and they were referred to Wintario. Up until October—

Mr. Speaker: Order, please. I think the member can ask the question right away.

Ms. Bryden: I have to give the background, Mr. Speaker.

Mr. Speaker: Very briefly.

Ms. Bryden: Up until October, I understand that the teams were receiving equipment or the cash equivalent on somewhat the same basis as they used to get from the office of the athletic commissioner.

Mr. Reid: Is this a statement?

An hon. member: She's coming to it. Just wait.

Ms. Bryden: But since October 1, I understand they have been told they must provide 50 per cent of the retail value of this equipment. Can the minister tell me, is this correct and, if so, how does he justify this change in policy to these leagues which have additional costs for ice time and everything else, while now he is asking them to put up 50 per cent for the equipment they used to get free?

Mr. Conway: It sounds like the Premier's response.

Hon. Mr. Welch: There are two points to be covered here. The equipment allocations from the office of the athletic commissioner were fairly nominal insofar as the number of items that were sent forward. Thanks to Wintario we have been able to enrich that programme and, notwithstanding the sharing principle, provide far more for the teams than was originally the case. The programme has been modified further. Instead of actually sending out the equipment, we sent out the cash equivalent so that teams can make these purchases in their home areas, which I think is fairer to the retailers in those areas.

Ms. Bryden: I wonder if the minister could provide us with lists showing what equipment teams used to get under the old scheme and what they are getting now, because I understand from a great many of them that they are actually getting less.

Hon. Mr. Welch: That's a very reasonable question and I would be prepared to provide some comparisons.

Hon. Mr. Davis: Our teams are getting lots of lacrosse sticks.

Mr. Lewis: Everything comes to Brampton.

AIR POLLUTION AT NIAGARA FALLS

Mr. Kerrio: In the absence of the Minister of the Environment, I'd like to direct this question to the Premier.

Is the Premier aware that an iron oxide fallout from the Niagara Metals plant which has been experienced in the Niagara Falls area has led the company's insurance representatives to attempt to get the residents in the area to sign releases from damages which may arise from this fallout? I wonder if the Premier would discuss this with his minister and find out if such is the case?

Hon. Mr. Davis: Mr. Speaker, I will be delighted to discuss this, at the request of the member for Niagara Falls, with the Minister of the Environment. It may be Wednesday before I am able to do so but I would be delighted and either he or I shall report to the House.

Mr. Kerrio: A supplementary, please. In the discussion the Premier has with him, there is one matter which seems to be rather urgent. Would he please ask the minister if there is any health danger associated with this fallout, and whether the minister will lay charges against this plant since a violation notice has been served?

Hon. Mr. Davis: Mr. Speaker, in my supplementary conversation with the minister I will raise the supplementary question.

Mr. Conway: Such generosity.

Mr. Swart: May I ask the Premier if he would also investigate the legality of forms which the company has asked area residents to sign which, for a small payment, would make the company harmless in any future action?

Hon. Mr. Davis: Mr. Speaker, I don't want to mislead the House. I don't think I really said I would personally look after the two issues raised by the member for Niagara Falls. I think I agreed to discuss it with the minister and ask him to report to the House. I would say the same to the member for Welland-Thorold. I will raise that matter with the Minister of the Environment as part of the original question from the member for Niagara Falls.

Are there any other chores?

DRG GLOBE ENVELOPES LIMITED

Mr. Grande: My question is to the Minister of Labour. Is the minister aware of the working conditions at DRG Globe Envelopes on Queen Street? In the afternoon shift, between 4 p.m. and 12 a.m., the employees are allowed only a 10-minute break between 6 p.m. and 9 p.m. to eat their lunch. Further, when the machines are running, the employees have to find somebody else to replace them at the machines; if no one is found the employee does not eat. Is this not a clear violation of The Employment Standards Act?

Hon. B. Stephenson: Mr. Speaker, I am not aware factually of the conditions in that plant and I will certainly investigate them. If we find they are in violation of The Employment Standards Act, they will be investigated and prosecutions will take place. At the present time I have no knowledge that those items as listed by the hon. member are factual.

PRICES AT HIGHWAY SERVICE CENTRES

Mr. Spence: I have a question for the Minister of Transportation and Communications. Is the minister aware that service centres along Highway 401, licensed and leased by the Ontario government, charge as much as $18 for less than an hour's labour? I have a letter and receipt to that effect which I will be glad to forward to the minister if he so wishes.

Hon. Mr. Snow: Mr. Speaker, I am not particularly aware of the particular service centre which may have charged $18 for an hour's labour. I am not sure that we would have control over that particular aspect of the business.

Hon. Mr. Davis: That is more than we make.

Mr. Reid: Everybody makes more than we do.

Hon. Mr. Snow: I recall that last week I personally got an invoice from a service man, for less than one hour's labour which cost me $24.

Mr. Cunningham: Did he know who you were?

Mr. Conway: That would make a small dent in your millions.

Mr. Spence: A supplementary: Will the minister have his officials look into this case in which a constituent was charged $18 for changing a tire and installing a new one?

Hon. Mr. Snow: If the hon. member will send me the information, we will certainly look into it.

DRUGS MAGAZINE

Mr. Swart: My question is to the Attorney General. He will realize it is more than four weeks since I first raised the issue of the drug-pushing magazine, High Times, and exactly four weeks since he said he would try to report to the House on it. Has he had the opportunity to do any investigation on this, has he had any discussion with the federal government, and can he report to the House today?

Hon. Mr. McMurtry: This matter has been reviewed in some detail by my ministry. We have been in contact with the federal government, and I can assure the hon. member opposite that I will have a fairly significant statement to make before the end of the week. I prefer, in the public interest, not to say anything further at this time, but I will be reporting to the House before the end of the week.

Mr. Conway: Always significant.

Mr. Singer: Significant?

Hon. Mr. McMurtry: That's right, significant. Not that you'd know the difference.

Mr. Reid: It's another headline.

COMMERCIAL FISHING REGULATIONS

Mr. G. I. Miller: I have a question for the Minister of Natural Resources. As he is aware, 12 of our fishermen in Port Dover were fined last week and have had their licences suspended because of the fact they were making an orderly attempt to prove the fish in Long Point Bay were of a smaller size than they are in other portions of the lake. In that $40,000 was set aside to assist in this study, I wonder if the minister is aware that none of those fishermen has received any money to this point in time. I was of the understanding that they were to receive some payment.

Hon. Mr. Bernier: It was my understanding that these Port Dover fishermen would be used in our experiment to gather further data in that particular area. I will certainly check into it and report back to the hon. member directly.

Mr. G. I. Miller: Supplementary, Mr. Speaker?

Mr. Speaker: The question period has expired.

Petitions.

PETITION

Mr. Kerrio: Mr. Speaker, I beg leave to present a petition from 97 citizens of the Ramsey Road-McLeod Road area of Niagara Falls who are concerned about the objectionable emissions from Niagara Metals Limited.

Mr. Speaker: Presenting reports.

Motions.

MOTIONS

Hon. Mr. Welch moved that the supplementary estimates of the Office of the Assembly, the Ombudsman and the Provincial Auditor be referred to the miscellaneous estimates committee.

Motion agreed to.

Hon. Mr. Welch moved that the time for the presentation of the final report of the select committee on highway safety be extended to April 29, 1977.

Motion agreed to.

Mr. Speaker: Introduction of bills.

WORKMEN'S COMPENSATION AMENDMENT ACT

Mr. Lupusella moved first reading of Bill 182, An Act to amend The Workmen's Compensation Act.

Motion agreed to.

Mr. Lupusella: This bill provides for a 10 per cent increase in the amount payable on award for a permanent disability as of December 1, 1976, and, as of the same date, the introduction of an annual increase in that award, based on the current consumer price index for Canada.

[3:00]

ANSWER TO WRITTEN QUESTION

Hon. Mr. Welch: I wish to table the answer to question 154 standing on the notice paper. (See appendix, page 5424).

Mr. Speaker: Orders of the day.

HIGHWAY TRANSPORTATION OF GOODS

Consideration of the interim report of the select committee on highway transportation of goods.

Mr. Conway: Where is the member for Scarborough Centre (Mr. Drea)?

Mr. Gregory: Mr. Speaker, it is a pleasure for me to be the leadoff speaker in the debate regarding the interim report of the select committee on the highway transportation of goods. This is a committee which, as you know, was struck in May and was charged with the duty of examining the entire transportation industry.

This is an industry of which there has not been a major review in over 40 years. I think it was certainly timely that at this time we are asked to do this job. We were given a mandate to review all aspects of trucking in Ontario. The select committee, of course, is an all-party committee without any one party having a clear majority and, of course, I think members of the opposition would agree with that structure.

The committee members, I believe, had a keen awareness of the responsibility to assess objectively the state of the industry. Of course, the committee members co-operated in pursuing this task. It is my opinion, as the

chairman of that committee, that the members of the select committee on highway transportation have been admirably committed to this task. I believe the unanimous agreement arrived at by the members reflects the lengths to which we went to avoid any kind of party differences, differences in philosophy.

Our object was to gather evidence from all segments of industry to protect the interests of the truckers and the shippers and the public at large. We received 250 written submissions and heard 200 delegations. We made ourselves available for hearings in 17 areas in Ontario. In addition to that, through an efficient use of the members' time, we were able to send delegations to Washington, Tennessee, Michigan, Ohio, Britain, Germany and Belgium. The trip to Europe was certainly a beneficial trip.

Mr. Conway: To be sure.

Mr. Gregory: There was an extensive report written. This was under the able chairmanship of the member for Nipissing (Mr. R. S. Smith)—I am sorry he isn't here today. Certainly the report is quite extensive and the benefit of that will appear when we submit our final report, hopefully at the end of February.

I might add that this has been accomplished not only on time and with the unanimous agreement of the members but within the budgetary limits. I think the committee members can take some pride in this. I would suggest that perhaps some other members in this House might take the co-operative working of this committee as an example.

An hon. member: Wait until the second report comes in.

Mr. Gregory: We have had some reaction from industry as a result of this interim report to this point. I had the pleasure of addressing the 50th meeting of the Ontario Trucking Association last month. There has been a very clear response by organized truckers to our efforts.

The industry itself is now mobilized in reaction to the Legislature's sudden interest in trucking. They felt they had been ignored for far too long—after all 40 years is a great deal of time without having had major policy statements and changes in regard to the trucking industry except for minor amendments.

What is very pleasing is that the Ontario Trucking Association is very willing to co-operate and accepts the fact that our recommendations will not meet all of its demands. The members recognize that there are going to be things they won't be entirely happy with. They also recognize that they will have to make some concessions as well in order to make this work.

We had general approval from the Ontario truckers in regard to our intent to license all the truckers in Ontario. There has been a very positive response to this and to the workings of the committee, if I might just read from a circular that was received, I believe, by all the members of the Legislature. This is from the new president, Mr. G. M. Hendry, Ontario Trucking Association, and in his centre paragraph he comments: "The thoroughness and impartiality shown by members of the select committee on highway transportation of goods and that on safety as well have been most commendable. We feel confident that all members of the Legislature will be willing to at least give due consideration to matters that we shall communicate to you from time to time." I regard that as an endorsement of the reports of the two committees.

One major reservation that the trucking association seems to have is that the government will not properly enforce regulations. Therefore, I believe it is incumbent on the government to secure the co-operation of this important economic sector and to gain its trust by introducing regulations which are reasonable to all interested parties and which can be backed up by forceful and effective enforcement procedures.

Just to touch for a moment on some of the recommendations, Mr. Speaker, we began our study based on the following criteria in regard to the recommendations that we made: First of all, the recommendations ought to lead to swift government action, the recommendations must be enforceable, and thirdly, the recommendations must be reasonable.

I think it important that any recommendations that we make must be enforceable. The law books are full of laws that can't be enforced. I think one of the problems, and a major problem in the trucking industry today, is that with the system we have of weigh scales it is just not possible to properly enforce the trucking industry. I believe the trucking industry itself is asking us to do this and find ways that it can be done.

One of the major problems, of course, with the industry is because it's so massive and so difficult to govern, there being some 11,000, almost 12,000, persons involved in the industry and 45,000 trucks. The truckers are not uniform in their organization. There are

several organizations. The Ontario Trucking Association, even though it's the largest, is not the only one. There are others. There's a great number of unlicensed carriers, independents, and they're operating under a wide range of corporate guises.

Some of these functions are in a grey area of legal activity. Others are operating completely outside the law but can't be detected or prosecuted. Even here we had to recognize the fact that they are providing a service, and to eliminate that service would create a hardship for shippers and for some consumers.

I would like to touch on some of our recommendations. The first one, and perhaps the main one, is an attempt to bring all truckers under regulatory guidelines and the organized trucking associations, the licensed trucking associations, tend to agree with this, even though they recognize that it does present some problem to the industry itself. We're recommending that the principle of control at entry be reaffirmed. We must maintain control of entry into the industry.

We must have a principle of economic control established so that the ministry has some control over the service, financial feasibility and safety of the trucking industry.

We recommend stiff penalties for violations of the law. The committee was of the opinion that minor penalties would not be sufficient to do the job that we wanted to be done.

One recommendation is to spread the legal responsibility to shippers as well as carriers, because in many instances the committee found in its hearings that the responsibility for—and, in fact, perhaps the cause of—some of the unlicensed trucking was the shippers themselves.

We feel it important that the role of the Ontario Highway Transport Board be strengthened. There are many recommendations that we have made in this regard, some of them to do with licensing that is no longer being used or advertised or offered to the public. These licensed vehicles should no longer be available.

We discussed at great length the problems of energy consumption and this, of course, led us to take steps to reduce movement of empty trucks. We hope to address ourselves in our final report more extensively to this particular subject, because it was a matter that was brought to our attention by many delegations, the opinion that energy is being wasted.

We are making a strong recommendation to the Ministry of Transportation and Communications to investigate reciprocity on both an interprovincial and international basis. We feel that we cannot ignore the fact that the consumer requires goods from other provinces and other countries as well as our own. We feel we have a major problem and I think the government should address itself to quality shipments of goods and to try and eliminate as much interference as possible between provinces and the United States.

We recommend that we clamp down on leasing companies and driver pools and they be put under certain restrictions and certain licensing procedures so that they can be better controlled.

Although our list of recommendations is not extensive, in our interim report we have raised enough issues to generate immediate legislative action in a number of areas. In our final report, which we have scheduled for completion by the end of February, 1977—and of course, if the committee is as efficient in the final report as it was in the interim report, we shall certainly hit that target—it would be difficult to attempt to comment on any conclusions we might raise on the final report but we can indicate some of the things that we will be looking into.

First of all, a broader look at enforcement procedures, private carriage, driver pools, inter-modal transportation, regional regulation of couriers—we have already had hearings on this, of course—and safety. It is the intention of our committee, and they have directed myself, as the chairman of the committee, to negotiate with the chairman of the highway safety committee, and of course, I've already made overtures to him on this, that we will want to co-operate on our final report and no doubt he will want to co-operate with us for his.

We certainly will be looking into the situation regarding bus licensing, and in view of the debate that went on in question period today, this is an area that certainly needs to be looked at.

Mr. Reid: We are going to look at it?

Mr. Gregory: We will be looking into busing. The member didn't read the information he got.

Mr. Reid: Yes, I read it. I am just wondering when we are going to get time to do it.

Mr. Gregory: We'll fit it in.

The committee felt that continuity was going to play a large part in this report and any final report we bring forward. The unanimous approval of the committee suggests that the report could be implemented by any

party in the House. As we all know, dissolution of the Legislature would lead to dissolution of the committee. We are most anxious that if this happened the work of the committee, and in fact the implementation of the reports, be completed.

In the unlikely happening that at a dissolution of this Legislature a new government was formed, the recommendation of our committee would be that the work be carried on despite that fact. Since we have had unanimity among the three parties on the committee I would suspect that this could happen.

[3:15]

Mr. Reid: Probably with a new chairman.

Mr. Gregory: There probably would be a new chairman at that point; I wonder who it will be.

In conclusion, we feel that the problems in the trucking industry have been sitting dormant as far as the government is concerned, and I'm not being critical, I'm saying it just hasn't been looked at for a long, long time. I think it's important for me to finish my statement by saying that these recommendations, in the opinion of the committee, should be acted on with haste in order to derive some of the benefit that can be derived from these recommendations.

Certainly we have, in my opinion, the total support of the trucking industry and, of course, I feel that we will be acting with these recommendations in the best interest of the public and they are, after all, number one.

I urge the Legislature to consider this well, in hopes that the recommendations of the committee can be implemented as quickly as possible.

Mr. Philip: It's a pleasure to be able to speak on the interim report of the select committee on highway transportation of goods, Mr. Speaker. I have no doubt that since the minister is now in the House he will be following our recommendations and be interested in the report of this committee.

A lot of the success of our committee, I think, can be attributed to the tireless work of an outstanding staff. We couldn't have asked for a more knowledgeable committee counsel than Mr. Max Rapoport. His skill at asking questions and his knowledge of the field were tremendous assets to our committee. We are appreciative of the fact that the ministry and the committee were able to benefit from this man's knowledge and abilities.

Likewise, the contribution of Mr. Brian Caldwell, our research director. The bags that we sometimes noted under his eyes were entirely related to the fact that he stayed up all night finding data that we had requested and putting together summaries of briefs and so forth. One couldn't have asked for a harder working staff person. A person's true worth is often discovered by his or her absence, and on those occasions when our secretary, Gayle Roberts, was absent, her absence was certainly felt. I have no doubt that when she graduates from university we in the NDP will be able to find a position somewhere for her.

Hon. J. R. Smith: Don't count on it.

Mr. Reid: If she graduates she will have too much intelligence to take it.

Hon. Mr. Bernier: That's very uncharitable, Pat.

Mr. Philip: David Callfas, the assistant clerk of the Legislative Assembly, took on the challenging responsibilities of scheduling and making all of our physical arrangements for the committee, and considering the heterogeneity of the members of the committee, that was no mean task. He certainly deserves our thanks.

Mr. Reid: That has nothing to do with sex, by the way.

Mr. Philip: The hon. member just realized I was talking about him.

The member for Mississauga East, our chairman, and the member for Nipissing, our vice-chairman, also deserve, I think, the appreciation of all members on the committee.

In the case of the member for Nipissing, I might add that those of us who were with him on our study sessions in Britain, Belgium and Germany could not help but feel that he conducted himself in a way that was a tribute to the province and that we certainly earned, by his actions, not only respect for the committee but also for the province of Ontario.

Last, but not least, a lot of credit for the excellent report must go to the many hours that the various individuals who made briefs to us used in preparing their briefs and in researching the briefs and presenting them to us. Of course without their kind of perspiration and inspiration we certainly wouldn't have been able to present the kind of excellent consensus report that we in fact were able to present.

It's well known that the members of our committee approached the problems from quite different perspectives. We in the NDP had always favoured the principle of proof of necessity and we felt that it was a safeguard not only of the trucking industry and its employees, but also the shippers and the consumer. Others of other political persuasions were less inclined in that direction.

However, the overwhelming view of the industry was that substantial de-regulation would eventually result in chaos and, therefore, a disservice to the community. The consensus of members of the committee was: "We believe it is prudent to retain economic regulatory controls over the movement of goods on Ontario highways. To retain capability for that movement is an absolute necessity. To retain influence and control over the shape and nature of that movement is clearly in the public interest."

The fact that this report represents a consensus of those who initially had had many different points of view is terribly important. It is an indication to the minister that all of us on this side of the House and on the government side of the House clearly want this report implemented as soon as possible.

The member for Mississauga East has called the attention of the minister to the position of the Ontario Trucking Association. In meeting with the delegates at their convention I am convinced that the delegates recognize that the kinds of solutions we are proposing in this interim report are workable solutions which need immediate attention.

It is important that the minister understand that the report must be implemented and we in the NDP will give him no peace until he has taken the kind of action necessary to implement the report. We saw how the Rapoport report on the dump truck industry led to heightened expectations among the truckers. We listened to the frustration in the voices of people like Mr. Angelo Natale, of the Ontario Haulers Association, as they told us how their expectations fell to frustration which eventually drifted into despair as the government did little on the report and it gathered dust. Let me assure the minister that the members of the trucking industry and the members of the committee have invested too much time and energy in this report to allow it to gather the kind of dust that the Rapoport report on the dump truck industry was allowed to gather.

It's a consensus report. We expect him to consider our recommendations seriously and to act on them.

While I have mentioned the Ontario Haulers Association everywhere we went we met people from the dump truck industry, either members of that association or other associations in the aggregate business, or simply dump truck operators of no particular association affiliation. The operators of these vehicles impressed on the committee time and again the need for implementation of the new Ontario R licence classification and the withdrawal of the regional designations together with—everywhere we got the same thing—a two-year or longer moratorium on the issuance of licences.

In a very short time the Minister of Transportation and Communications (Mr. Snow) will be receiving our final report. I expect this report will contain some very concrete and specific recommendations on alleviating what can only be described as a crisis situation in the dump truck industry. The small entrepreneurs who are involved in this industry are in desperate straits and we in this party feel that urgent action will be needed to improve the situation in the aggregate industry. We expect that the minister will move much faster on the recommendations concerning the aggregate industry in our final report than his government managed to move on the Rapoport report.

Another area of concern to members of this committee is the recommendation considering the North Bay restriction. I had expected the hon. member for Nipissing would be here and that he would be addressing himself to that question in a very concrete and specific way. Those of us who are members of the committee are most anxious to hear his views on that. I expect he will be fairly specific in his views on it and that the minister and members of this House will be interested in what he has to say.

Testimony has been given concerning regulation versus de-regulation. The interesting impression is often being left in the media and with the committee that Great Britain somehow de-regulated and that very little of any consequence happened as the result of de-regulation.

Those of us who travelled to Great Britain and were able to study the trucking industry at a grass roots level, realized that whereas there may in fact have been de-regulation on paper, there really is no de-regulation of trucking in Britain. What has happened is that the real regulation is conducted by the trade union movement, which is an awful lot stronger than it is here. So to compare Britain's de-regulation as having some kind of consequence to those of us in Ontario is

like comparing alligators and oranges. It just doesn't make any sense.

By the same token those who advocate the laissez-faire system of transportation in the trucking industry talk with horror about what has happened in Germany. While I would be the first to admit in Ontario the biases of regulation practised in Germany just wouldn't work—we just don't have the kind of rail system that the Germans have—I couldn't help but be impressed by the vitality and the efficiency of the trucking industry in Germany.

Our committee has been very concerned about the issues of energy conservation. After extensive hearings and study the committee does not feel that entry control per se is a limiting factor to energy conservation. Our report indicates that need for the Ministry of Transportation and Communications, in conjunction with the industry, to provide more significant data.

We in this party recognize and appreciate the efforts already undertaken by organizations such as the Ontario Trucking Association in developing methods of fuel conservation. We feel that proper encouragement of and co-operation between the government and bodies such as the Ontario Trucking Association and other bodies in the industry will produce substantial savings in energy. We also recognize that only a profitable trucking industry can in fact promote the kind of energy conservation we need in this province. De-regulation, I feel, would in fact be energy costly, rather than energy saving.

I was proud to be a member of this committee. I look forward to seeing this government implement its recommendations.

Mr. Reid: I too would like to underline and emphasize some of the remarks made by my colleague on the committee, particularly in regard to the hard-working staff we were blessed with on the committee. I've been on a number of select committees and other committees of the Legislature and it certainly makes a difference when you have knowledgeable people to work with in your deliberations and who are able to ask the questions and have the background information when required.

This has been an interesting exercise in the parliamentary system in the province of Ontario.

Mr. Moffatt: It's minority government.

Mr. Reid: Bill 4, which was introduced, focused on transportation problems on the highways in the province of Ontario and, of course, was the reason for the select committee being set up. It's an interesting philosophical approach and perhaps I might be allowed a little latitude in discussing it. There may be some objections to what I say, but that's not an abnormality.

It's interesting that the government, in introducing Bill 4, was responding to the large trucking concerns in the province of Ontario. We might call them large business. The NDP supported the bill, because the Teamsters Union—

Mr. Moffatt: That's malarkey.

Mr. Reid: You can disagree—

Mr. Moffatt: You read the Hansard of the other day.

Mr. Reid: —were supporting the bill for reasons of their own. The Liberal Party, trying to represent the small individual person in the province, opposed the passing of Bill 4 and I think we put some very excellent reasons why we should. Some reasons were philosophical and others were put because we felt this committee was necessary to look into the whole matter of truck transportation in the province of Ontario.

While initially I think the OTA, for instance, and others, were somewhat upset about the fact that Bill 4 did not get passed at that time, I think they and others will agree that the deliberations of the committee and the recommendations we have made, which hopefully will be translated into legislation, are to the benefit of the people of the province as a whole.

[3:30]

I want to say a couple of other things about the select committee process itself, and I will be very brief. As members of the committee, or the committee as a whole hearing testimony, for want of a better word—which was not under oath, I might point out—we were given certain facts, figures and conclusions from people who appeared before us as to the vitality or the rules and regulations of the trucking business in other parts of the world, particularly Britain and the Common Market area. We were told they had such and such a system in regard to de-retgulation, as my friend has just commented earlier. Quite frankly, I found that 90 per cent of some of that information was wholly false.

While we as a committee could not always compare the British system or the German system or the Common Market system and relate it directly to Canada, the part that

struck me was that the information we had been given, supposedly by expert witnesses, was not correct or was misleading. I am not saying, Mr. Deputy Speaker, as I am sure you are sensitive on the point, that they deliberately misled the committee; but it was interesting to have the committee or some members of the committee go and see for themselves. While I am not trying to defend committee travel, I think it's particularly important that members of a committee become aware, through their own first-hand knowledge, of just what's going on and not rely on government experts or industry experts or other experts outside of government for all their information, because they have their own biases and distortions from the positions in which they sit in regard to the information they are providing.

Mr. Deputy Speaker, mainly because it's you in the chair, I want to relate a little incident that happened, actually, when the committee was in Brussels.

Hon. Mr. Snow: That should be interesting,

Hon. Mr. Bernier: How long were you there?

Mr. Reid: Not that one, but you would be interested in this one too. One of the staff members and I had made our usual night visit to the church for contemplation and meditation. Afterwards, about 11 o'clock, we were sitting in the square in Brussels just having a coffee and feeding the birds.

An. hon. member: Feeding the pigeons.

Mr. Reid: The Minister of Natural Resources will be particularly interested in this. As we were sitting there contemplating nature and other things, standing beside me looking into a store window was a young lady who was wearing a T-shirt with Wabigoon, Ontario, on it. Wabigoon is in my riding and formerly was in the riding of the Minister of Natural Resources.

Hon. Mr. Bernier: Our people get around.

Mr. Reid: They sure do. In any case, there she was with a cousin and they had been travelling around Europe. She said, having seen some of the things in Europe and in Asia, that she would come back to Canada and the province of Ontario and appreciate much better how well off we were in this province.

Hon. J. R. Smith: Especially the government.

Mr. Reid: Except she said it would be much better with a Liberal government. I remember her distinctly saying that.

Hon. Mr. Bernier: Did she know who her member was?

Mr. Reid: Yes, she did. She kept calling me Leo for some reason, but other than that it was all right.

Mr. Drea: I wonder why.

Mr. Reid: The interim report deals primarily, as I see it, with three items. The recommendations fall generally into dealing with leasing, dormant licences and reciprocity.

I must admit to you, and to the chairman, that I find our recommendations on leasing not quite as specific and as clarified as they might be. We dealt with this problem, we spent a lot of time on this particular problem. As I pointed out, this was probably what led to the formation of the committee in the first place.

I am sure the minister and his officials have had time to go over the suggestion of the committee or the recommendation of the committee that we grandfather these people who have been doing trip leasing to make them a part of the regulated trucking industry.

The report does not make a recommendation as to exactly how the minister is going to do that, whether he is going to create another class of licence or so on; hopefully we will deal with that in our final report. But I think this is something—and this is a problem with government always; what bothers people more than anything else is the insecurity of not knowing where they stand—that has to be dealt with in a fairly quick fashion so that those people who are out there in that grey area know just what guidelines they are going to have to follow, if any—whatever decision the minister makes—and that the regulated trucking industry, as represented by the OTA and others, also know where they are going to stand and whether or not they should be applying for some kind of licences in regard to this kind of leasing. That's one thing.

The dormant licences also bother me, because I don't think we have been accurate enough in pinpointing exactly what we mean by a dormant licence. The PCV licence requires public necessity and convenience. If that licence is not being used, for whatever reason—because there has been a merger, an overrun or whatever—then it seems to me the raison d'être for that licence in the first place is therefore not valid. If there is no request

for public need and convenience for that licence, then perhaps these dormant licences should revert automatically to the OHTB after a certain period of time. I realize that is an oversimplification and that, as we found out in everything we got into—

Hon. Mr. Snow: Are you saying Gray Coach is a dormant licence?

Mr. Reid: It is going to be dormant. I'll make the minister a wager that within a year, or two years at the most, Gray Coach will not be operating on those runs because they—

Hon. Mr. Snow: They have got a lot of dormant ones now.

Mr. Reid: Then they should be forced to give them up if they are not—

Mr. Deputy Speaker: I don't think that is part of the select committee report.

Mr. Reid: We are going to get into that anyway. In any case, I would urge that these dormant licences be looked at very carefully. I am sure we will be reviewing these matters in our final report.

The other one the minister is able to implement immediately, if not sooner, is our recommendations on reciprocity. I would say the urgency is probably with the province of Quebec, let alone our neighbours to the south. But the interim recommendation is that the ministry set up a division within the ministry to deal completely with reciprocity with our sister provinces and with these various states in the United States.

This is a matter that almost everyone complained to us about. It is something on which, for some reason—and I can appreciate some of the reasons—the ministry has been dragging its feet over the years, and little, if any, success seems to have come forth in regard to this. Admittedly it is a fantastically complex business, but it seems to me the minister must have someone within his ministry devoting full time to dealing with this particular matter. You might be dealing with the international registration plan and other things. I might add, when I say that, that it seems to me in a ministry of this size that the minister can find staff who can deal with this without hiring more people. But that is an aside.

If I could urge the minister to take any immediate action on the report, this is the one area in particular where it is needed. As we know, this involves long and complicated negotiations between the provinces and between the various states. It is not going to be solved overnight, but we are already years behind and the sooner we get at it the better.

I want to touch on two things briefly. One is that in all of the hearings, and during our travelling around the province, I always felt one item was missing. Very few people addressed themselves to the question: Is the consumer getting a good deal from the highway transportation of goods in this province? Is the ultimate consumer being ripped off for transportation costs? Is he getting a fair break, or maybe he's being over-subsidized? We could never come to grips with that particular problem, nor, in all the submissions and briefs we heard, did we ever hear anyone—I think maybe there was one, but if there was it was a very minor submission to the select committee—saying on behalf of the consumer, "Look, we are not getting a fair deal on this."

We tried at some points to actually arrive at the rate setting of the trucking industry, and we discussed rate bureaus and we had submissions on that end of it. But we found it impossible to relate the cost of that component called transportation to the final cost of the goods in a store or delivered.

I want to say a word about rate bureaus, because in my humble and non-legalistic opinion this is one area where something has to be cleared up. The trucking industry, generally, is for regulation of people getting in and out of the industry. It seems to me that they should also be for some kind of regulation of rates. It appears to me that they could be charged under the anti-combines Act, and in fact we've heard rumours that perhaps they're looking at this. Many of the shippers made no attempt at concealing the fact that they got together, set the rates, sent them to the tariff bureau; he tariff bureau duly listed them, put them in the right columns, the right figures; they were duly sent to the OHTB, which gave 30 days' notice and then routinely had them in the Ontario Gazette and they became, in fact, the rates that were then charged.

In the Ministry of Transportation and Communications' own study on truck transportation in the province of Ontario, phase 3, an analysis of the basic rate structure, they deal in that particular text with the LTL rates particularly. While I won't go through all of them, it's obvious that, particularly in LTL rates—less-than-truckload rates—Ontario people are paying a much higher cost than they are in almost all other jurisdictions. There are all kinds of reasons for this. There is some indication that truckload lots, particularly for commodities, perhaps are lower

than they are in other provinces, that the LTL rates are cross-subsidizing the TL rates and so on; but we don't really have any hard information that we can hang our hat on.

It does seem to me that, ultimately, if the truckers want a regulated trucking system as to who gets in and who gets out, then they are also going to have to accept at some stage of the game justifying their rates before a tribunal or before the OHTB. I don't say that idly, Mr. Speaker, because I realize the experience in other jurisdictions, the kind of fantastic bureaucratic problems that can arise; but it seems to me there has to be some kind of mechanism set up to ensure that the people of the province of Ontario are not paying unduly for the transportation system that they have in the province of Ontario.

The second thing I want to talk about is the role of the Ontario Highway Transport Board itself. In the hearings, the committee went to the board and we saw how they functioned, we heard submissions from various people on the way the board operated and so on. I was always under the impression, until just recently, that the OHTB, while it was an independent manifestation of the government, and autonomous from the government, that the province of Ontario, through the cabinet and through the Minister of Transportation and Communications, was setting policy for transportation in the province of Ontario. That had always been my understanding, and that within the broad guidelines as handed down by the minister, the OHTB carried out its functions.

[3:45]

While this is not in the report it still is a concern of mine and I hope the minister can clarify it. I refer to the recent Gray Coach business, which to my mind is a policy departure from what occurred at the board formerly. In question period today in the House and previously the minister has not clarified to my satisfaction at least, how the OHTB fits into the scheme of things. I thought I was clear in—

Mr. Philip: He has come down squarely on both sides.

Mr. Reid: —my own mind on how the OHTB—

Mr. Moffatt: That is a terrible one.

Mr. Reid: —operated within the general guidelines of transportation policy in the province. The minister contends that the decision in regard to Gray Coach and Greyhound was not a departure from previous policy.

If it is a simple matter of interpretation between us that's one thing, but I say that was a fundamental change in policy and it was made by the Ontario Highway Transport Board not, as I understand it, at any suggestion or recommendation or policy statement by the minister. I hope he can clear that up. I don't think it's a function of the Ontario Highway Transport Board to make policy for transportation on highways in the province of Ontario.

Having said all that, I look forward to the final report of the committee. I think, quite frankly, that the matter is so complex, so mobile—if I may use that without intending a pun—that even the select committee, which had some of the best members of the Legislature on it—

Hon. Mr. Snow: Don't mislead the House now.

Mr. Reid: —has found that it has only scratched the surface.

Mr. Deputy Speaker: You might have said fluid.

Mr. Reid: Well, that too. It has only scratched the surface of the complexity of truck transportation in the province of Ontario. With that degree of humbleness, I think we do urge in any case that the minister act quickly on some of these recommendations.

Mr. Drea: The interim report of the select committee, in my point of view, demonstrates two things in conjunction with the highway transportation of goods in this province.

One is that for the first time there will be a policy on the movement of goods. I think in one of his appearances before us the minister pointed out that one of the difficulties in the present administration of the Acts has been that those Acts and the amendments to them have come over the years in response to particular situations, to particular problems and, latterly, in the light of changing technology in the transportation field.

As a matter of fact, from the very beginning of provincial licensing of highway movements, whether of people or goods, the only reason the province appeared on the scene is that the federal government showed absolutely no interest. It became a problem on the highways not only in terms of safety but also in terms of competition.

An aspect of that is that the North Bay restriction, which this committee is suggest-

ing be removed, at least as a permanent thing, was put forward in the 1930s, in the Depression era, for the plain and simple purpose of bolstering the revenues of the Ontario Northland Railway. In the 1960s, because the Ontario Northland Railway ventured into the direct trucking field through the purchase of an existing licence, that policy somehow became not to enhance the railway revenues of the Ontario Northland, but to leave the trucking arm of the Ontario Northland Transportation Commission in a very competitive, and quite frankly a very protected, environment. That, I suggest, is only one aspect of how a general overall lack of policy has in many ways contributed to some of the intense economic difficulties that have faced the trucking firms, particularly the highway trucking firms, in this province in the last five or six years.

Secondly, this report seems to me to be not just a vindication of the minister on Bill 4, but as a matter of fact establishes the minister in his policy of meeting the particular problem of the pseudo lease and the trip leases that were being used to flout the existing and traditional highway route licensing procedures of this province. As a matter of fact, I think it establishes the minister and his ministry in the forefront of being able to cope with a particular problem —which, by the time he inherited it was of such magnitude that at a very conservative estimate if the licensing procedures put forward in this report are carried out by the Ontario Highway Transport Board, we are looking at somewhere in the vicinity of 752 new over-the-road licences. That is just an indication of how many operators there were. And bear in mind that we have put forward very substantial and significant criteria. We are talking about a prolonged period of operation under these dubious leases—a steady trade of business either with one shipper or to a specific number of customers at the other end.

In fact, if you really want to break it down, what we are saying is that you were really not only successful but extremely stable in business, notwithstanding the fact you were circumventing the law—in conjunction, incidentally, with shippers and customers. I think the fact that we're talking about over 700 new major licences in this province if these are adopted is an indication of the problem that faced the minister when he brought in Bill 4. While now, with hindsight, it's very easy to say that Bill 4 was somewhat primitive because it did not take in the scope that is envisaged by the committee report, nonetheless, further hindsight, I think, will show that Bill 4 was a most significant document in the transportation history of this province.

The truth of the matter is that were it not for Bill 4 there would have never have been a select committee. Were it not for the select committee it probably would have been quite some time down the road before an attempt to begin an overall review of transportation policies would have commenced in this province; and by that I do not mean a back-handed attempt to look at the Ministry of Transportation and Communications or its transportation section, or at the Ontario Highway Transportation Board.

The simple truth of the matter is transportation has become such a priority item in this province—and not necessarily the highway movement of goods or of people, which is now in the media, but indeed it has become probably the most essential criterion upon which this province is going to meet the very many economic and social challenges of the last quarter of this century. It's no accident that we included energy in this report, because changes in energy in three or four years have made massive inroads upon traditional transportation concepts and are going to make even more. I suggest that Bill 4 has provided an impetus for a new insight into transportation in this province.

One of the difficulties in attempting to come to grips with a transportation policy is the fact that once again as a provincet we are being faced with the insatiable lust of the federal government to intrude once again into an area where not just this province but all 10 provinces have assumed their duties and have worked out a transportation system that is at least equal to, if not better than, any other in the world, bearing in mind the geographic differences, the climate and a number of other factors. I cannot understand why a federal government that 40 years ago or even 50 years ago, even as late as 10 years ago, had no interest in trucking whatsoever, now has this inordinate desire to get into the field.

Hon. B. Stephenson: So do the rest of us have inordinate desires.

Mr. Drea: Especially, and this may be the most significant thing, since from its inception in this country the federal government has controlled air traffic, whether people or goods. It has ruined the air line industry in this country. Probably because of the American experience, it inherited the inter-pro-

vincial railroads, in fact all the railroads. I think I will get a response on this when I say government policy, not only toward the two major railways of this country but toward the provincial branch lines, has proven such a disaster that quite frankly, in the foreseeable future railways will no longer be a first class mode of transportation.

In the movement of people, railways have already been virtually phased out. In the movement of perishables, railways are now such an insignificant contributor to the transportation picture that for practical purposes they might just as well be phased out. They are having the greatest of difficulty in handling specialized goods or specialized commodities or hazardous commodities. In fact, all of the new modes of carrying goods or of being able to move goods to a place where they can be instantly used are in the field of trucking. Once again, this puts tremendous pressure upon a province to be able to regulate and to attempt to set long-term policies for highway transport, when there is an ever-looming threat of the federal civil service wanting to tinker and to make their average in terms of transportation in this country absolutely perfect. They already have two dismal failures to their record. They merely want to add a third.

I suggest that this report should demonstrate to the federal government there really is no place for the federal government in the intraprovincial trucking sphere. I don't think anybody disagrees that the federal government does have a responsibility, albeit a relatively minor one because of the co-operation of the provinces, in the interprovincial field. The thrust of this report is regulation. I would hope in the foreseeable future there will not again be a ringing debate over the merits of de-regulation.

Mr. Reid: It will never end.

[4:00]

Mr. Drea: I would certainly hope, on the basis of the findings of this report, of the evaluation, of the experiments with de-regulation, and quite frankly, the government's own experiment with de-regulation which ruined the dump truck industry, that at least that particular aspect of transportation problems has been solved.

The fundamental difficulty for the committee—and it is a very difficult one for people who, by occupation, not only make laws but are called upon to enforce them and to respect them—was to come to grips with a situation where we had this extraordinarily large number of stable, successful and absolutely law-defiant companies on the roads.

When we are confronted with evidence that there have been companies operating for eight, nine or 10 years as the sole shipper for rather large firms in this province, and that there has been a conspiracy by the shipper, that there are literally brokering agencies which can find an illicit operator not only a load but a lawyer who will draw him up a phoney trip lease and that that is done every day of the week, it becomes very difficult for a committee to have to wrestle with the realities of the situation. The truth of the matter is that when defiance and breaking of the law reaches that extent it is impossible to turn back the clock and to bring about enforcement that would have given these people the penalty they probably deserved.

I don't think any member of the committee likes to be in a position of licensing the bootlegger or absolving the law-breaker. None the less, in the field of transportation there is the overriding public interest. Transportation is not only a public necessity, it must serve the public interest. Quite frankly, if the system was too inflexible or too cumbersome or too unwieldy and people could start up in defiance of the law and it did serve the public interest, then it is incumbent that the law be changed.

What the committee is recommending is very simple. That in 1977—we wanted 1976, but early 1977 will suffice—we establish firmly the beginnings of an overall transportation policy in this province by bringing in under the regulation of government the disparate segments of the highway transport industry.

I am pleased to say—because I could understand why they would vehemently oppose this—that the Ontario Trucking Association has given grudging approval to this proposal. I think that demonstrates the responsibility and the maturity of the industry, because it would have been very easy to say, "Why should you license the law-breakers at our expense when we obeyed the law all along?"

The two major labour organizations in this field, the Canadian Brotherhood of Railway Transport and General Workers and the Teamsters Union, have contributed their thoughts to this report. I think it is a demonstration of their maturity and their responsibility that they see this as a beginning for a more stable, a more successful, and a better transportation industry that indeed will fulfil its potential in the public interest. I think it would have been very easy for them to oppose this, because with the number of new licences coming on the road there may

very well be some dislocation of employees. But I think in the overall picture and in the relatively near future it will not only make for a better industry for the consumer but a better industry for the employee, as well as for the companies involved.

The key to the success of this report is not only relatively quick adoption by the government; quite frankly many, in fact almost all, of the recommendations do not require legislation.

I was rather surprised to hear the member for Rainy River (Mr. Reid) say he didn't understand the exact procedure or how the procedure would work to bring in the companies that have operated under pseudo-leases. It is a relatively simple one. Public need and necessity is recognized by the Highway Transport Board, but the report says that where there has been a stable and a successful transportation relationship between a shipper and a trucking company or a number of consumers and that trucking company, there is the criterion for public need and acceptance.

Mr. Reid: What kind of licence are you going to give them?

Mr. Drea: Most of them will apply for Cs, they don't want As. I would imagine there would be a few Ds. There will be one R, which I think will be fascinating. Everybody has always denied there was a pseudo trip-leaser in the tank truck field but there is one of some substance.

I don't think that in itself will be the major problem; and after all we have suggested that they are not getting off with absolution, they are still going to have to do a year of penance and if they don't do the year of penance with what according to the Highway Transport Board is considered to be satisfactory behaviour, they are out for all time.

But the real key to it is enforcement. Personally I think the methods of enforcement today, relying upon the weigh scales and the mobile cruisers—I think these are passé. They are passé because of cost, because of the sophistication and the great diversity of shipping routes and also the citizens' band radio has made the weigh scale almost obsolete except—

Mr. Reid: The portable ones.

Mr. Drea: Well, the cruiser with the portable ones; it takes two men and there is the cost of it. The CB radio makes it possible to avoid them as well. The weigh scale has become as much of a joke as the 55-mile-an-hour speed limit on Interstate 75 in the United States.

If the weigh scales and the cruisers with the portable equipment were really to be in the enforcement field they would have to be open seven days a week, 24 hours a day. The cost of erecting a sufficient number of weigh-scale locations where trucks could be impounded, the cost of providing two men to a car for the portable weigh scales to be used on that extensive an operation would, I think, be extremely costly to the taxpayers of this province. And I also suggest it would not really come to grips with enforcement.

One of the departures in this report is the suggestion that it is not just the trucker who circumvents the law; that indeed when a law is circumvented it is usually a conspiracy, because the shipper sits down with the unlicensed carrier and they conspire together to defeat the laws of this province—and always for only one reason; one is going to make money, the other is going to save money. We have suggested in this report that a shipper who knowingly enters into one of these agreements in the future faces not only an extremely heavy fine but also may learn to give the transportation policy course at Millhaven Penitentiary. I suggest that is a far better way of enforcement.

We don't enforce tax collection with people overseeing the cash register. We don't enforce the very many taxes there are in the licensed alcohol industry with people standing by on every transaction or monitor. We do it through a sophisticated audit. We do it through spot checks and, quite frankly, to me that is a far more substantial threat and deterrent for a potential law-breaker than all the weigh scales or the portable weigh scales, or the activities of the Ontario Provincial Police in carrying out the applicable provisions of The Highway Traffic Act.

If a man is a traffic manager or the proprietor of a company and he doesn't know when the audit is coming or doesn't know when the check is coming but he knows he may go to Millhaven for saving some money, I suggest he will rapidly depart from trying to play fun and games with the government, aided and abetted, of course, by his friendly solicitor who just happens to have a two-way trip lease in his back pocket. Enforcement, if we are to have a regulated truck industry, is essential. The committee has agreed that a regulated truck industry is essential not only to the present economy of this province but to the future improvement and the future development of this province.

Secondly, and the member for Rainy River as well as other speakers touched upon this, there is the issue of reciprocity. Reciprocity is going to be a lifetime occupation in the transportation field of this province because in no way, shape or form is it ever a simple independent decision.

Reciprocity has to be weighed on the basis of its impact upon Ontario carriers in the short run. It has to be weighed in terms of revenue in the short run and in the long run. It has to be weighed in terms of this country's export policies. It has to be weighed in terms of this country's export policies. It has to be weighed very substantially in terms of the orderly shipment of goods in this province.

It has to be viewed in terms of the capital which may or may not be divested. It has to be constantly weighed, whether the reciprocity agreements are with individual states, the western provinces or the province of Quebec and the Maritimes, because governments change, attitudes change.

In this year we have been slapped twice in the face by once relatively reciprocal partners. The state of Michigan, rightly or wrongly, took arbitrary action. The province of Quebec has yet to accept its responsibilities in terms of the Ottawa dump-truck drivers. I would certainly hope that Mr. Levesque, and I take him at his word, wants friendly and honourable relations with the other provinces. I hope Mr. Levesque will do what Mr. Bourassa not only wouldn't do but dropped his own curtain of double talk around—that is look at the particular problem of a one-sided arrangement on the Ottawa River.

We have asked the ministry to set up an office or a division to look at reciprocity. I don't think I could be any more eloquent than the member for Rainy River; I think he has stated the case for it. I think if only that came out of this report, that alone would justify the work which has been done.

[4:15]

Finally, I would like to echo the very many comments about the dump-truck situation made here today by the member for Etobicoke. It is a particularly vexing situation. It is one that only regulation can help and it may have to be very stringent and very harsh and, perhaps for a short period of time, almost draconian regulation. In this province we have lived, in my adulthood anyway, with chaos after turmoil after chaos after turmoil in the dump-truck industry, and each and every time a Band-Aid or a very small solution has been attempted. I beg your pardon; once we took the big step—that was de-regulation—but we found out it was 100 per cent wrong and we brought it back into a form of regulation.

The aggregate hauling industry is an essential one which many people look to as their only opportunity or their first opportunity to get into business in this country, but it is one in which the people, despite their pleas to government for at least two decades, have never received the attention that their problems merited. Therefore, in the ensuing weeks and months I hope this committee will be able to sit down and draw up a definitive policy for the dump-truck industry, whether it be in northern Ontario, where road work is virtually the only avenue of revenue for them, or whether it be in southern Ontario, where it does the complete gamut from gravel and sand hauling and snow ploughing on up to snow removal.

It is a very difficult field. It is one that I am sure will challenge the ingenuity and talents of the members on this committee. But I think 1977, and as early as possible in 1977, is the appropriate time to deal finally with that segment of the industry. It is rather unique in that it is the only one where safety checks are required. Not even for your passenger car is a safety check ever required. As a matter of fact, you can send a very substantial cargo of very inflammable gasoline or chemicals down the road without going through about one-tenth or one-fifth of the safety checks that we inflict upon the vehicles in the dump-truck industry. I am not questioning that those safety checks may be necessary, but I find it extremely significant that one of their complaints in this industry is they don't mind the safety checks but if it is good enough for them, why isn't it done in the tank-truck industry and why isn't it done in the over-the-road industry with the same degree of government enforcement as faces them.

Finally, I would be remiss if I did not pay tribute to Mr. Max Rapoport, our general counsel for the interim report and who will serve for the final report. I think the work and the counselling of members that he accomplished this fall certainly emphasizes that he is indeed the country's foremost transportation lawyer. Indeed, he is probably one of the two or three foremost transportation authorities in this country—and that goes far beyond the legal sphere.

Secondly, we were extremely fortunate in this committee—and we are going to be fortunate again—because we were able to borrow from the civil service. I think we sometimes sneer a little too much at the

civil service, but in this case we were able to draw upon the resources of the civil service in this province and we had Mr. Brian Caldwell from the Ministry of Transportation and Communications as our research director. I would say categorically at this time that were it not for the research work of Mr. Caldwell, and the overall general counselling of Mr. Rapoport, this report would be the traditional kind of interim report that is tabled in this Legislature.

We have met for many months and we will give you detailed reports a year or two from now. I think that such a complex subject was able to be broken down into its components with such relative speed and the number of hearings—whereby, incidentally, no one in this province has said that they didn't have the opportunity to have input—is a great tribute to these two men.

I would hope that when this report is really analysed, prior to the introduction of policy changes, administrative practices, or the very small sections that do require legislation, those who are considering it consider it in the light that it must be a package. The recommendations cannot be implemented on a hit or miss or sporadic basis, because if they are then I suggest we are following the traditional fallacies that have plagued attempts at really coming to grips with the problems of this industry.

You cannot isolate the North Bay restriction from the fact that there are going to be new C and D licences on the road. You cannot isolate an overall transportation policy from the issue of reciprocity. I suggest to you, Mr. Speaker, it was intended to be adopted as a package. I would hope that it is viewed as a practical, reasonable package of proposals that will be a beginning for a transportation policy that will enhance the economic and the social development of this province.

Mr. Conway: Frank Drea for the cabinet. He should get a cabinet post.

Mr. Moffatt: I gather it is traditional with select committee interim reports that they be rather mundane and not very substantive documents. I think this particular document is substantive and I think it goes some distance toward answering a number of problems which appeared to us to have been existent in the transportation of goods in this province for a number of years. Those problems didn't arise because of great government policy, with all respect. I suggest that there has been a glaring lack of government policy in the transportation of goods field which has led to the chairman of the Highway Transport Board and his able officials not understanding exactly where they should go with regard to enforcement; with regard to the controlling of entry and so on. It has led to confusion in the industry.

Hon. Mr. Snow: They don't have powers of enforcement.

Mr. Moffatt: Obviously, as the minister has interjected, the Highway Transport Board does not have powers of enforcement. Somebody has to do the enforcement; that is one of the problems.

What I am suggesting to the minister—and I appreciate the fact that the minister has stayed here all afternoon to listen to our comments with regard to this report—what I am suggesting is that there has been an absence of policy. If there has been a policy it has not been clearly stated. There have not been clear objectives by which the Highway Transport Board or any of the other agencies could measure their effectiveness.

If we have regulation of the industry what is the purpose of that regulation? If we listen to the representatives of the regulated industry they will tell you that the industry regulation has one purpose. If we listen to the people employed by those same firms we find out that regulation has another purpose. If we listen to the people who are not in the licensed industry we find that regulation has another purpose entirely and that, in their words, was to keep them out of the business.

I think it is very clear, as the member for Scarborough Centre has outlined, that this report lists the recommendations in a summary form, in a complete form, and that it is not our intention that little bits and pieces be lifted out of this report and be put in as a kind of Band-Aid or patchwork bit of legislation that will clear up the situation. There is a problem existent in what is probably the most important industry in this province and that is the transportation of goods.

The problem is not going to go away. It is in a state of hiatus now because the people, some of whom are in the galleries today, are here to see that this select committee report will come into being. If there are not substantial moves made by the ministry to implement the policies recommended, the problem will re-emerge and they will not be satisfied with the appearance of a sop by forming a new select committee or introducing a little bit of legislation to get the thing corrected.

I refer to the Rapoport report which said, in 47 recommendations, that the dump truck industry was in some difficulty and that 47 things should be done in order to correct it.

To date, I think we've had three little items from that particular report and that was to clear up a problem which has been in existence for some time. If the same attitude continues with regard to this report, nothing will happen except that the people who are concerned with this industry will be in a much worse state a year from now than they are right now.

I think a policy on the transportation of goods in this province has to take into consideration the reliability and safety of the transportation of those goods and the safety of people using our highways. It also has to take into consideration the economics of the situation. It cannot be only cheap; it must be reliable as well. It cannot be only reliable, it must be safe and it must look after the individuals who are concerned and who are employed in those industries.

The highways are not owned by the trucking companies nor by the people who drive those trucks. They are built and paid for by the people of this province who expect the delivery of goods will be facilitated by a reliable industry using those highways. It is a dynamic industry and, in that case, it needs to have flexibility in the ministry so that problems can be responded to at the time the problems arise not pushed into a corner or ignored. I suspect that's what's happened.

To my way of thinking, and I think the people in this party are united on this, it is not an industry which needs to have needless and mindless competition in order to make it effective. It needs to have the continuance of government regulations in order to ensure that the public will be served, which is the first commitment we would make to the public.

The hon. member for Rainy River alluded to the group in this party caving in under pressure from the Teamsters with regard to Bill 4.

I want to tell members right now that at the time Bill 4 came before this House, we had not had any contact with people attempting to get us to cave in under the Teamsters or anyone else; the whole allusion by the member was an illusion, in fact.

I think it's important to note in this report that one of the problems which has constantly plagued the trucking industry is that leasing vehicles is a kind of fluid arrangement which changes from week to week or month to month or year to year. I would hope that one of the things we'll be able to come up with is some form of standardized leasing contract which will be able, over the long run, to clarify this whole business.

Visiting Washington we were given information by the interstate commerce commission and various other agencies which indicated that in the United States they are going to a fairly standard form of leasing arrangement for cab cars and so on. I think that may well make enforcement, which would flow from a final report and this report, much more effective.

The member for Scarborough Centre has come out with his normal policy of draconian enforcement to clear up the situation. It may well be that enforcement in this particular instance will be effectively dealt with by some of the methods we've suggested in the report. I gather that making the shipper liable for the activities of the trucker he employs is one method which is novel and, I think, it may well work in this instance.

One of the things we had happen to us in dealing with other areas was that people from other states had written letters to the minister and had not had answers to some of their problems. In the middle of this past summer the state of Michigan imposed a penalty against trucking firms from Ontario moving into Michigan. It seemed to us, from the submissions made to the select committee, that what had happened was they had written, called, visited Ontario's Ministry of Transportation and Communications and elicited no real response.

Hon. Mr. Snow: Never heard from them.

Mr. Moffatt: They took that kind of action in order to draw a serious problem to the minister's attention. I suspect, if that's what's happening, there's something a little remiss in what is going on in the Ontario government when reacting to questions, comments and briefs from other jurisdictions. If what they related to us is true, I suspect that something needs to be cleared up somewhere in the ministry.

[4:30]

Mr. Shoniker, the chairman of the Highway Transport Board, in his appearances before us detailed a number of cases where he had acted in the interest of the Highway Transport Board on his own volition. For instance, he told us he issued telegrams of authority where in fact there was no place in the legislation that could be done. Mr. Shoniker was to be commended for that initiative, but at the same time I suspect there were times when he wondered if he was going to have his job the next day after

having issued a telegram of authority. It seems to us that kind of thing should be corrected.

I am not going to go on much longer.

Mr. Conway: Hear, hear.

Mr. Moffatt: I realize there are other people who wish to speak and the member for Renfrew North may wish to interject on his own behalf and take up his own time.

I wanted to say, though, that the constitutional issue which was raised by the member for Scarborough Centre is one that I think needs to be looked at very carefully. It seems to me and others among my colleagues that this whole question of constitutional matters in transportation has not really been an area where Ontario has shown much leadership.

We always like to come on as though it's always the federal government that has been at fault, that the federal government is messing around with something and is invading the rights of the government of Ontario. I submit the government of Ontario has left that field completely to the federal government and it is only when the federal government appears to be moving in that good old Ontario starts once more to look after its borders. The whole question of interprovincial movement of goods and so on is of great consequence and great importance. It is too important to be left to somebody else to look after.

I would urge the minister to make sure that any moves by Ottawa be constantly scrutinized by his ministry and that Ontario show some kind of leadership in establishing reciprocity within Ontario, and between Ontario and other provinces and other countries. There are many states in the United States, which are members of the international registration plan. It may well be, if the committee that is suggested in our report is set up, that Ontario also will join that plan. From what we have seen of the committee that would make some sense.

I want to congratulate the chairman and the vice-chairman of the committee. They did an extremely good job. Despite their party affiliation, they proved to be very competent people.

Mr. Cunningham: I would like to make some brief comments on the interim report which we have tabled more recently here in the Legislature. I am sure members will appreciate the environment of regulated trucking as it currently exists in the province of Ontario. Since 1928 with the inception of The PCV Act, and four years later, the Duff report, the province of Ontario, as it relates to truck transportation on our highways, operated within the environment of a regulated type of system. I suppose it was within that context that last spring we were required to vote on Bill 4. It is not my intention today to justify what my party did or to castigate members of opposing parties for their actions on that particular bill.

Mr. Conway: Statesmanship.

Mr. Cunningham: I don't think at that time either I would impute motives, as was done at that time, and certainly as transpired in the time gone by, as to why or why not various parties voted in various ways and what particular groups got to them. I think it would be unfair to put those kind of motives into the political context at this time. I would only say I think there has been a predisposition of thought, sincerely I am sure, within the ministry as to how to cope with the very contentious problem of regulation and more specifically the problem of illegal leasing.

We heard here, not too long ago I suppose, some discussion as it relates to illegal leasing. I would agree there is a number of activities in the province where the operation in itself could be termed illegal. I am sure if it were tested in the courts it would in fact be illegal. There were at the same time, I think, many operations which operated in a quasi-legal fashion, recognizing most of the rules and regulations of this province, but without benefit of a licence by way of The PCV Act through a hearing at the Highway Transport Board. The reasons for that operation are many, and it's not for me to justify them or to condemn them in any way. We can only say that they are a fact of life and that there is a great deal of business that operates in that fashion within the province of Ontario on behalf of many consumers and many businesses.

I looked back on Bill 4 and its context, and I looked at my remarks on April 6. I can only say that I didn't have any regrets in voting against that bill. I didn't think it would accomplish what was required at this time, largely because I thought it was inherently unfair. It would require one-way leasing, which I thought to be uneconomical as it relates to the consumption of energy and fuel. It would also be blatantly unfair and, I thought, very difficult to enforce. In fact, if enforcement were so easy, I think effective enforcement would have been brought in some time ago and this issue that is before us would have been cleared up a long time ago.

In participating in this committee, I must say I was quite pleased by the way the members of all parties worked together. The first day we met, I thought the members of the government party would try to legitimize their position on Bill 4, which I thought was blatantly wrong, and I thought the members of the NDP probably would react accordingly as well. Naturally, I must say sincerely, I had a previous supposition as to Bill 4 and the way we should go. I must say I did have some feelings that related to the concept of de-regulation, and I'm sure that some members of other parties had some feelings about excessive regulations. In the time that transpired and the briefs that we heard, I think we all came to the realization that the only fair and equitable solution is a compromise—some position somewhere in the middle. I think that, recognizing that, we have tabled a report which I think deserves a great deal of consideration by the ministry and by the minister himself.

I would refer you to the section in the report on energy, Mr. Speaker. I think we'll be saying more about that in our final report, but I would say that we have had some great co-operation by the ministry and by other sectors within the province. Our recommendations as they relate to empty movements and the interlining of C licences in accordance with public necessity and convenience, I think would represent a great constituency within the province in that there is great feeling for this conservation of energy. To that end, I can only request, pressure or somehow encourage the minister to consider a more effective interlining of C carriers or other carriers as may be the case.

It wasn't that long ago—in 1974, I believe—that there was a case between a carrier in Hamilton and a carrier in Windsor who wanted effectively to interline their operations. I recall reading the arguments by the counsel for both of the applicants; they both quoted the then Minister of Energy, who is now the Treasurer (Mr. McKeough) indicating the necessity for conserving energy in those days. I think the situation is much more severe right now, and, unfortunately, I'm sure it will probably get worse.

Also unfortunately, the Highway Transport Board did not rule in favour of that. There were a number of respondents to the application who I guess were more or less protecting their own interests—and one can hardly blame them for it—but in the final analysis possibly the public was not being served by that particular decision.

With that in mind, I will briefly direct my remarks to the operation of the Highway Transport Board itself. I can only say to the minister that I have the ultmost of respect for the independence and the honesty of the chairman of that board and, I suppose, to the intentions of the board. Where I must make some comment, possibly in a negative fashion, would be the relationship of the government itself to the Highway Transport Board and by what process the government conveys its thoughts, its feelings and its philosophies of the day to the transport board—not necessarily as they relate to the granting of a licence, whether it be to Greyhound, Gray Coach or a certain carrier or an extension therof, but the process by which the government conveys its feelings of policy in the day-to-day activities which I think reflect very appropriately on the government itself.

In our report we spoke of reciprocity. I'm not going to elaborate in great depth on this; other members have addressed themselves to it. We did hear, though, in the course of our hearings that the state of Michigan and other jurisdictions have been in touch with this ministry directly—and in the case of the state of Michigan, I think, without a reply. I must say it's not our function as a committee to negotiate reciprocity with the state of Michigan or any other state or province.

I can only say to the minister that I sense in my sitting on this committee that there is a great necessity for this. I can only encourage him to adhere to the recommendation that we have as it relates to reciprocity and that is that a branch of the ministry be established immediately to negotiate and establish a degree of reciprocity with the states that I've mentioned and certainly with other provinces.

Unfortunately the member for Nipissing can't be here at this time. I believe he is ill in hospital. I know he would like to comment on the North Bay restriction and other topics. Specifically I can only say that I think the gradual removal of this restriction would ensure some further competition in northern Ontario and thereby reduce the cost of transportation to the people in northern Ontario.

One thing that was very apparent to me in listening to some testimony given to us in Geraldton was that the cost of transportation up there is inflationary by nature and, of course, the minister knows that they all pay sales tax on that inflated price, which I think is very fortunate. A television set down here may cost $400. In northern Ontario it could be $450 and the $50 that relates to the transportation costs certainly adds to the cost

of the purchase of the product and the sales tax is computed on that final price. I just found it to be somewhat unfair.

I've talked very briefly on the subject of interlining, and I only hope that the minister will take this report and analyse it. I'm sure I can speak for the members of my party in saying that we look forward to working with him in establishing a more fair approach to the entire situation, to bringing into the fold, into the regulated environment, people who heretofore maybe have been referred to as "bad Indians." At least we'll know where they are and what their operating authorities are and if one is licensed to go from Toronto to Windsor and we find him in Haileybury, or North Bay, or Peterborough, or somewhere else looking for a load, then he is in trouble—I think he would lose his licence—and we can effectively see some meaningful form of compromise in that regard.

The member for Scarborough Centre has been an active member of this committee, as all members have. I appreciate his remarks as it relates to the total package concept of this report. Again, it's not our function to dictate policy to the minister but I think that if we adopt these recommendations in isolation then we may in fact find ourselves in some difficulty as it relates to enforcement.

I think that the comments on shipper responsibility are very valid in the confines of this report. I know it's the minister's intention to do that with aggregate shippers and I think it's a good idea and one that deserves his immediate consideration.

Before I conclude I can only say that I appreciate the assistance given to us by our counsel, Mr. Max Rapoport, and again the efforts of one of the minister's staff, Mr. Brian Caldwell were just tremendous for us. Gayle Roberts and David Callfas were of great assistance to us. As well, I found complete co-operation with all sectors of the province of Ontario including the transport board itself and its chairman, Mr. Shoniker, and I guess most appropriately—I'm sorry he's not in his seat to hear this—I should pay some tribute to our chairman who somehow managed to keep all of us together despite our contentious differences of opinions at one time. We've all found ourselves in the position where we more effectively can put our names on this report and endorse for the most part the recommendations that we've made and I think to that end the chairman should be commended.

Mr. Williams: Mr. Speaker, before I proceed I believe the member for Etobicoke had wished to speak on this matter and time is running along. I'll try to—

Mr. Reid: He has already spoken.

Mr. Williams: He has spoken? I'm sorry. All right.

Mr. Reid: I want to hear from the minister though.

[4:45]

Mr. Williams: I appreciate the opportunity to participate in this discussion this afternoon having been a member of the select committee. I think without exception all the members who participated in the deliberations of the committee and sat through many public hearings came to appreciate and understand —only, I think, through those ways and means—the complexity and scope of the transportation industry in this province.

Up to this time, I think all of us individually had had, in varying degrees, some appreciation of the size of the industry but none of us really—I'm sure, after having been through these initial hearings—had total and full appreciation of the impact of the trucking industry on the economy of this province.

So often when one reads legislation and the rules and regulations governed by that legislation, one can analyse and supposedly understand all the ramifications of that legislation as it applies in a practical way. However, I think from this experience one quickly learns that this is a fallacy. One does have to acquaint oneself in a practical way with the workings of any sector of our society which is affected by legislation to have a full and comprehensive understanding of the legislation's impact and how the industry as a whole operates within the framework of existing legislation. One gains a better appreciation and understanding of how an industry can be impeded from operating as efficiently as it might because of existing or outdated legislation.

Consequently the meetings this committee had in various cities and towns in this province brought a degree of enlightenment to the members of the committee which we would not otherwise have had the opportunity to gain.

We found that in every sector of the province we travelled to and held public hearings in, whether it was Fort Frances in the far northwest, Timmins, Kapuskasing, Windsor, Ottawa, Fort Erie, London—wherever it may have been in the province—the meetings proved most beneficial and gave the mem-

bers of the committee a much more comprehensive understanding of the complexities and the problems confronting the industry today.

I would hasten to point out that we were fortunate in having the committee chaired by my colleague, the member for Mississauga East, who, I think, has proved to all members to be a very impartial and fair chairman and a man who could get the job done as is demonstrated clearly by the presentation of this report within the time parameters imposed upon the committee, bearing in mind that this has turned out to be a very full and complete interim report. Consequently, I don't hesitate to compliment the member for Mississauga East and I'm sure that other members of the committee, while I have been absent from the chamber, have commented equally on his effectiveness as chairman.

As a result of his guidance the committee, I think, has come forward with very sound and substantive recommendations which the committee as a whole felt were pressing issues which required as immediate attention as possible and which were issues and matters which could not wait for the final report to come forward. We felt, virtually with regard to all of these recommendations, that there was a degree of urgency and it was because of the concerted effort of the chairman and our learned counsel and staff that we were able to bring together some meaningful and, we feel, postive recommendations which we're hopeful the government will take—and I'm sure is taking—under advisement at this time and will be hopefully taking action on within the very near future.

One of the things I find of interest is the difference that exists between the Ontario Highway Transport Board, as it operates as an independent body in this province, and its counterpart in the United States, the ICC, and the relationship that appears to exist between our board and our ministry, and the ICC and the Department of Transportation in the United States.

As a result of our trip to Washington it became quite apparent to the members of the committee that the views and attitudes and philosophies of those two bodies in the US jurisdiction were diametrically opposed, whereas in Ontario it appears that there is a much greater meeting of minds. In fact, the two seem to very much complement one another in their ongoing but somewhat distinct areas of responsibility.

I am sure that without exception the members of the committee came away from our Washington tour feeling quite elated over the fact that there wasn't this division of differences and attitudes that we found so apparent in the United States and that indeed there was a greater spirit of co-operation and unified approach to the problems in this jurisdiction in the province of Ontario. And that, indeed, I think the members of the committee found to be most gratifying indeed.

Mr. Reid: Excuse me, Mr. Speaker, I wonder if I could rise, not necessarily on a point of order but because time is short. We only have about seven minutes left and I am sure we would all want to hear what the minister's response is to the interim report. I wonder if we could prevail upon our friend to cut his remarks somewhat short.

Mr. Williams: Mr. Speaker, I will be through in about two minutes, if I might.

So, consequently, these were indeed matters of great interest to the committee. There will be opportunity in the future to discuss the various points that have been gone through today by the various members of the committee dealing with the specific interim recommendations.

The only other point that I would like to dwell on at this point in time is related to a responsibility that I had in visiting for a day the University of Michigan and Michigan State University to talk with people in the academic community as to how the colleges and universities in that jurisdiction associate themselves with this very important industry in the United States.

I found that to be a very interesting visit and enlightening to find that there is a very strong dialogue between the private sector and the trucking industry in particular and the colleges and universities. As I will be reporting again at greater depth in the near future, there are many courses offered in the universities that provide opportunities to people going through the learning institutions to have an opportunity to become aware of and learn about and, in fact, embark upon a career in the trucking industry.

This is emerging in this jurisdiction but not to the same extent as it prevails in the United States and I would hope that in the future more of the colleges and universities will be offering courses in this field, because indeed it is of such a magnitude that greater opportunities should be made available to the coming generations.

With those few brief remarks, I will terminate my comments at this time in order to give the minister an opportunity to speak to the interim report.

Hon. Mr. Snow: Mr. Speaker, I have only a few remarks I would like to make regarding the interim report of the committee. First, I would like to compliment the chairman and the members of the committee and the staff on a very busy summer that they put in. I know how complicated and how deep the subject is, and I know they had to do a lot of work and a lot of reesarch just to familiarize themselves with the depth and breadth of the particular problems that we're dealing with. I know they'll have considerably more work to do before they are in a position to bring forward their final report.

I do assure the members of the committee that this report is not being treated lightly. I have reviewed the report, and my staff have been working on the report since we received it. I do not feel, because of the lateness of the tabling of the report and the restrictions on the time this fall, that we're going to be able to deal with legislation this fall. But I do want to finalize matters and make some decisions prior to the opening of the House again next spring.

I do object to some of the comments of the members opposite relating to the Rapoport inquiry and the suggestions that only two or three minor items were lifted from that report and implemented. I won't accuse the hon. members of deliberately misleading the House, but certainly someone has misled himself—probably that is the best way to put it. I understand that of the 43 Rapoport recommendations—I believe there are 47 recommendations in total, but some of them dealt with the industry itself and did not deal with the government—some 25 of them, including the major ones, have been implemented.

I was also interested in the comments regarding this reciprocity and the horrible way my ministry and myself have treated our friends from Michigan. I find that difficult to accept and difficult to even understand. I have had no personal letters from anyone from the state of Michigan. There has been much correspondence at the staff level.

Mr. Reid: It was the member for Scarborough Centre who raised that.

Hon. Mr. Snow: There has been much correspondence at the staff level but obviously, because the public service in Michigan didn't get the answer they wanted from us, then there's a lack of communication. I guess that is the way of it.

There are two or three things on which I will be coming back to the committee and asking for clarification as to what the committee had in mind relating to the report. Much of the report I have no trouble with and I can accept without any problem. But there are two or three questions.

One relates mainly to the recommendations of grandfathering-in all the unlicensed carriers that were in business on October 1 and had been in business for two years. What about the unlicensed trucker who had been in business for a number of years but was put out of business on September 29 because of regulations? In other words, the enforcement of the ministry is not what I guess we would like it to be; if we had been able to enforce everything in the legislation, we wouldn't have the problem we have now, but we couldn't. However, there are illegal operators who were put out of business because of enforcement. It looks to me as though the guys who got away with it a little longer are going to be grandfathered-in. In effect, we would be saying, "You are good boys. Here's your legal licence. Go to town." But I'd like to know what the committee really wants to do with the poor fellow who's out there.

Another little matter: What do we do about the proud owners of licences, the licensed truckers who are operating outside of their licence? The licensed truckers aren't all saints either. They may have a licence—

[5:00]

Mr. Reid: Careful. Careful.

Hon. Mr. Snow: They may have a licence to operate on certain routes, but we find that there are licensed truckers who are carrying on illegal operations outside those they are presently licensed to carry on. Would you grandfather those illegal operations run by the licensed truckers the same as you would the ones that are not?

Mr. Reid: It is only fair.

Hon. Mr. Snow: I would like to know what the committee feels on this.

Mr. Speaker: May I point out the time has expired?

Hon. Mr. Snow: Yes, thank you, Mr. Speaker. Everybody else seemed to have lots of time.

Just a couple of more things. I would also like to know—

Mr. Speaker: We have to start the private members' hour at 5 o'clock.

Mr. Reid: Just let him wind up.

Hon. Mr. Snow: Let me have one moment will you, Mr. Speaker?

Mr. Speaker: May we extend it a moment?

Agreed.

Interjection.

Hon. Mr. Snow: The other matter: I don't disagree with the recommendations of the committee in trying to bring some sort of a conclusion to the problems that are in the industry now, but if we do this then does the committee feel that the general provisions of Bill 4 or a modified Bill 4 should be part of the regulation to stop this whole thing from happening all over again? I won't be here and probably the members across there won't be here either, but I don't want to see some minister coming here 10 years from now debating this thing all over again and grandfathering-in another 500 illegal truckers because of that. So I think I would like to get some comment; and I will be bringing forward some questions of this type to the chairman of the committee, who I hope will call a special meeting of the committee to clarify some of these points for us this fall so that we can work on this during the break.

Mr. Speaker: This item is discharged from the order paper.

PRIVATE MEMBERS' HOUR:

WORKMEN'S COMPENSATION AMENDMENT ACT

Mr. Bain moved second reading of Bill 178, An Act to amend The Workmen's Compensation Act.

Mr. Bain: This evening it gives me great pleasure to rise and debate Bill 178, An Act to amend The Workmen's Compensation Act.

I am pleased to see the minister here. I look forward to some constructive exchanges between us. I will attempt to be non-provocative in the hope that the minister will reciprocate and that we can make some constructive changes.

I believe that the Act itself, although initially a good idea when it was first brought in in 1914, has retained many of the implications that would better have stayed in 1914 and not be found in 1976. One of the things that I find with the Act is that there is a tremendous amount of burden of responsibility upon the claimant and that sufficient benefit of the doubt isn't given to the claimant, but I know the minister's position on that so we won't debate that. What I would like to focus in on would be the three ways that I feel The Workmen's Compensation Act could be constructively changed to better enable the injured worker and his family to receive justice.

First of all, Bill 178 would remove the requirement that a recipient must either be 100 per cent permanently disabled to receive an award, or die in order to receive a pension. It would also make sure that a claimant had access to his compensation file. It would also entitle any worker who contracted an industrial disease to receive compensation for that disease, whether the disease was disabling or not.

The reason I find the Compensation Board most difficult is because of the personal experiences that one runs into. In my short time as a member—and I would be most willing to concede that my tenure in this House has been short but I think the minister's has been equally short so I think we both have a lot to learn about the Workmen's Compensation Board. I have been very struck since my election in September, 1975, by the number of people who have not received justice from the Workmen's Compensation Board.

I know that members on the government side also deal with compensation problems and I don't know why we still see the same injustices perpetrated time after time by the Workmen's Compensation Board. I would think that any member sharing the same feeling of injustice to injured workers from his or her riding would immediately want to see changes made in the Act or in the way the Act is administered.

One of the problems we run into is that often people who are not receiving a full 100 per cent disability pension or do not die from the disease they are receiving compensation for, don't receive a pension for their dependents upon their death. I found this to be a great problem because, as I am sure the minister will appreciate, many wives who survive their husbands who may have worked in the bush or especially in the mines in northern Ontario, would much prefer a compensation pension to receiving assistance from community and social services.

The minister may say it would be the same amount of money and in many cases, sure, it would be. I know widows who would prefer to receive a smaller pension from the Workmen's Compensation Board than the amount they receive from the Ministry of Community and Social Services. The reason for this is that a pension from the Compensation Board doesn't carry any social comment with it.

Unfortunately, there still is an implication in this province that if one is receiving assistance from the Ministry of Community and Social Services in some way it is something one does not totally deserve. To use the jargon, it is welfare or it is a handout. Many dependents of injured workers would feel much better about receiving a Compensation Board pension and I think that is only fair.

Let us say for the sake of argument that we have two miners who have silicosis; one is receiving a 90 per cent disability pension and the other is receiving 100 per cent disability pension. Both of them are killed by something totally unrelated to the compensable disease. The minister readily realizes that one, the gentleman receiving the 100 per cent disability pension, will receive that pension for his wife, whereas the person receiving a 90 per cent disability pension will not because he didn't die of the silicosis for which he was being compensated. There is example after example on record of this situation.

At Johns-Manville in the city there is a case on record in which a worker was receiving a 40 per cent disability pension for asbestosis yet he died of a heart attack. That particular case was appealed through every avenue of appeal open to the widow. The board was adamant. The worker did not die of anything related to the disease for which the worker was being compensated, therefore there was no pension.

I think this has to be changed. I think it is only fair, if a person is receiving a Compensation Board pension that upon his death, regardless of the amount of the pension, regardless of the reasons for death, the pension automatically goes to the dependents.

The other item which I feel is also very important is access to records. Access to one's Workmen's Compensation Board file appears to be a very nebulous sort of thing. The minister might say that according to the present Act there is nothing which restricts a worker from having full access to his Workmen's Compensation Board file but the way the board operates is quite different.

I have had contact with the board and people in administration say: "In general, a claimant himself does not have access to his file except for the summary of information. This is due to the fact that he would not be able to discriminate as to what he should or should not see."

If the claimant himself can't discriminate as to what he or she should or should not see, who can? This person is the one who ultimately is responsible for shepherding his or her claim through the whole labyrinth of the Workmen's Compensation Board.

The board does allow certain people to see portions of a file or, perhaps, if they are fortunate enough, to see all of the file. For some reason, MPPs are allowed to see files. Union representatives and doctors are sometimes allowed to see files. But the claimant himself can only see the file at the discretion of the board.

It's obvious this should be changed. The claimant should have total access to his file—and not just a claimant here in Metro Toronto. Even if we said that a person would be welcome to come down and see all their files on him, that would really restrict it to people here in the city, unless the minister was willing to say that any person from any place in the province would be able to come down and see his file and the Workmen's Compensation Board would pay for those expenses.

Mr. Speaker, might I interject? We did start a little late. Is there going to be any compensation for time? How much extra?

Mr. Speaker: We'll try to give you your 20 minutes. Quite often a speaker doesn't take up the full allotment of time, but we may work it out that way.

Mr. Bain: How much time are we talking about?

Mr. Speaker: Two minutes after.

Mr. Bain: Okay, very good; because there are other people who would like to speak, I don't want to go too much over my time.

But it is sufficient to say that claimants from all across the province should be allowed to have total access to their file, everything in their file, and anyone the claimant designates should also have access to the file.

The other item that I would like to deal with is where a person contracts an industrial disease. I think it's evident that the board tends to operate from the point of view of whether it's disabling. I asked the minister a question about this, and she said the Workmen's Compensation Board does not necessarily restrict payment to a disabling disease. But what she really said was whether or not it might become disabling in the future. Therefore, there has to be an element of disability involved.

I would submit that any worker who contracts an industrial disease should be compensated for it, whether or not he or she is able to continue working. I would like to

read one little part from a summary of information that I have here on a constituent. I'll cover two points by reading this excerpt:

"What the physician did not state is that the man was a heavy smoker for 50 years, had bronchitis and asthma since the age of 10. With such a history, it is not at all surprising that he could not pass an army medical. Gassing underground in 1929 cannot be assessed today because he did work for another 26 years after that, so it could not have been too severe."

Two things here; the first is really an aside: I don't really appreciate gratuitous remarks by the Workmen's Compensation Board in these summaries of information. The board has already said that smoking is not considered in disallowing a claim; if it's not, why does the board bother to mention it in the summary of information? The second thing is, this person was gassed underground, and the board didn't feel that he should be compensated for that; after all, he was able to work another 26 years, so the board says it couldn't have been too severe.

In this particular case the only way that man managed to survive—and everyone will recall that in 1929 if you didn't work you couldn't support your family—was that he worked underground for 26 more years by the sheer strength of his own personality and a commitment to his family. In the later years of his life, while he was still working underground in that mine, all he could do was perform basic duties on the job. He came home every night, and it was all that could be done to get him enough rest that night. His wife would give him medication and some food that he could get down. He could barely get rested enough to drag himself to work the next morning to perform his job. He could still work, but only because of his own personal inner strength.

I feel anyone who contracts a disease on the job should be compensated.

[5:15]

Mr. Haggerty: Mr. Speaker, I want to speak on Bill 178 and to support the bill in principle. The first amendment, in section 1, refers to section 42(7); the intent of the amendment is to delete "the underlined words, thereby having the effect of extending compensation entitlement for pension purposes to include less than 100 per cent disability allowances."

We in this particular party, the Liberal Party, have indicated in the Legislature on a number of occasions that survivors' benefits under the existing Workmen's Compensation Act were inadequate. The present programme has not kept pace with the current economic difficulties facing a great number of families whose main provider has succumbed to a fatal occupational accident, leaving many survivors and dependants destitute, sometimes turning to welfare for assistance; some are forced to liquidate their assets to survive.

Studies in other countries have indicated that in this province the death payments are the least generous in loss replacement of all workmen's compensation benefits. In Ontario benefits in this area have fallen behind considerably. They have not kept pace with the cost of living. The economic burden of inflation takes its toll with those persons and families of an injured worker receiving benefits under the present Workmen's Compensation Act.

With all the present schemes available for Ontario's labour force for some guarantee for a basic social insurance, it still falls far short of its objective of providing sufficient income to families to maintain a decent support level of income. We have, for example, health and accident insurance to cover many employees in Ontario on the job and off the job. We have unemployment insurance and there are sick benefits. We have Canada Pension Plan. We have the private insurance, and there are other schemes of halfway measures to support injured workers' families.

Often when a member is assisting in an appeal, a member of the board will suggest the Canada Pension Plan for assistance, but that is as far as they go. There is a lack of co-ordination in the systems. Some widows or dependants do receive benefits from the Workmen's Compensation Board and there are some who do receive Canada Pension along with it, but a great number are not that fortunate to be able to be assisted in this direction. This does cause economic hardship to them.

I believe the minister must adopt a new approach in this area and it seems reasonable to accept a plan integrating the present programmes that are available—the Canada Pension Plan benefits and the Workmen's Compensation Act benefits—to provide a measure of economic security for survivors. The present programme falls far short of maintaining a decent standard of living for the injured workers and their families. For example, a person was deceased and the survivor had to pay mortgage payments and you know how high they are today.

If you look at what is provided as the widow's allowance today under the Workmen's Compensation Act—what is it? Widow's

or widower's, I should say—$260 I believe it is, $70 for a dependant. If the average family is about four, you are only talking about $500 a month, not much more—far less than most persons receiving old age security; in fact in some cases they don't have enough. In comparison you can see the position that you put a number of families in under the present scheme; that is, an income insufficient to maintain a decent standard of living.

I suggest that the minister should be looking at a consolidation of all the different programmes that are available for persons employed in industry so that they have one decent programme for survivors. I think the minister should be looking in that area. Often an employee working in industry contributes to a number of schemes. Sometimes he has to pay for part of that scheme himself. But it is unfortunate when he is injured, either at home or in industry, that there isn't sufficient income. It's perhaps time we had a complete consolidation of all these programmes and worked out a better uniformity in our schemes for disabled persons and their families.

The other matter concerning the second section of the amendment to the Act, section 2, the new section 99 entitles an employee to reasonable access to materials relating to the employee filed with the board.

On a number of occasions when I have appeared before the board these files have been available to me but again, as a layman, I don't understand all the medical terms. I think if the board is going to allow what is suggested here, perhaps all the information should be sent back to the family doctor. The injured worker has more of a dialogue with his family doctor and perhaps he can assist the worker on where the problem is and what might be of some assistance to him for further appeal.

I look at this particular section but in some cases when I have appeared before the board there have been other problems which were not related to the accident. I wouldn't want me or somebody else to be in the position of saying: "This is your problem here." I think there should be more dialogue with the family doctor, and more information sent to him; perhaps he should have all the records on file. If the claimant wants to review them in the doctor's office I think they should be open to him and he can advise him accordingly.

The other matter concerns the amendment which deletes "The words underlined, thereby removing the disablement prerequisite to entitlement to compensation, permitting compensation for any occurrence of industrial disease caused by his employment." I can say that we have this party, the Liberal Party, on record as saying that when a person has come down with an industrial disease, compensation should be paid in full.

Under schedule 3 it's limited to a number of certain industrial diseases. I suppose when we relate it to silicosis it still leaves us up in the air as to whether the person is entitled to compensation for that particular industrial disease. I think, in this particular area, the minister should come in—I'm sure the report of the royal commission on health and safety of workers in mines, the Ham commission report, has it there in sections 22, 24, 25, 32 and 110.

I should read in particular one section, section 53, of The Workmen's Compensation Act, which should be amended as necessary to provide a clear entitlement for rehabilitative compensation based on the principle of work adjustment for a person subject to exceptional exposure through environmental hazards at work. I suppose if we want to interpret that further there are a number of industrial diseases not covered by Workmen's Compensation.

He suggests that when the risk is there, full compensation should be paid regardless of what the occupational disease may be. In this particular area I think it's important that it is broadened and the worker should be compensated for any injury or disease which follows his occupational environment.

In one particular area I find The Workmen's Compensation Act is not quite clear and I think it is rather restrictive in the particular area as it relates to heart diseases and vascular diseases. If one works around certain foundries or steel companies where there are carbon monoxide gas and toxic agents a number of persons I'm sure—it's been proved in other countries—have come down with heart diseases.

Hon. B. Stephenson: It's not proved. It's theorized.

Mr. Haggerty: The minister shakes her head, no. I can cite one particular instance in an industry in the city of Port Colborne. I'm just quoting from memory now but the Port Colborne fire department was called in for rescue work and on three instances they picked this man up lying on the railroad track right next to the stoves. This is where they recycle the gas in the open furnace so it can be burnt again. This is very deadly gas. Three times he was picked up there in different years.

This person is not employed today because he has vascular diseases—a heart condition. Studies in Europe and even in the United States indicate that this can be one of the contributing causes—occupational hazards in this field.

I know under the existing legislation there have been perhaps one or two occasions in which you have allowed claims for heart diseases, and those relate perhaps to policemen or firemen.

Mr. Speaker: The hon. member's time has expired.

Mr. Haggerty: So soon? I just got going, Mr. Speaker. But we do support the bill in principle and I think any changes in the Act today will make a vast improvement to workmen's compensation claims.

Hon. B. Stephenson: Mr. Speaker, I'm pleased to participate in this debate on the bill introduced by the hon. member for Timiskaming, to whom I should like to announce that my association with the Workmen's Compensation Board has been very much longer than his. It has not been one year plus two months. It has, in fact, been almost 30 years as a practising physician during which I had, certainly, regular dealings—

Mr. Kerrio: You're not that old.

Mr. Conway: You're not that old.

Hon. B. Stephenson: Thank you, gentlemen. That's very kind of you indeed, but I'll confess it right now.

The bill which has been introduced by the hon. member for Timiskaming and seconded by the hon. member for—is it Cochrane something?

Mr. Bain: Algoma.

An hon. member: The northern alliance.

Hon. B. Stephenson: My humble apologies. The bill is interesting in a way in that in the first section of the bill the hon. member is proposing that any worker receiving any pension at all or any disability pension from the Workmen's Compensation Board should, if he dies of any cause, ensure that his dependants would receive a 100 per cent dependant pension from the Workmen's Compensation Board.

Mr. Bain: Just receive the pension he received.

Hon. B. Stephenson: The individual who is receiving a disability pension at the level of 100 per cent ensures that his dependants will receive that level of dependant benefits.

Mr. Bain: Any pension?

Hon. B. Stephenson: In many instances where there is a causal relationship established between the death of the individual and the disease or the injury, for which the worker has been given a disability pension, the Workmen's Compensation Board pays not just what the worker would have been receiving but a dependant benefit of the same order as they would have received had he been pensioned on a disability pension of 100 per cent.

I would like to draw the hon. member's attention to the effect of removing the two sections which he has suggested. If a worker has had, say, a thumb amputated, he probably and very likely will have a permanent disability pension of the order of approximately 10 per cent. The effect of removal of these two phrases within the section, which the hon. member is suggesting, would be that if that individual were run over by an automobile, having had that 10 per cent disability pension, his dependants would receive from the Workmen's Compensation Board, for an accident totally unrelated to his disability and totally unrelated to his work, a 100 per cent dependant pension.

Mr. Bain: No, just 10 per cent.

Hon. B. Stephenson: But that can't be done without modifying another section of the bill, because the amount of dependant pension is statutorily set; it is the same for all dependants, whether the individual was pensioned or had a disability pension of 50 per cent, 75 per cent or 100 per cent. The dependant benefits are equal to all dependants. Therefore, I think it would be unwise at this time to consider the kind of amendments which the hon. member for Timiskaming is promoting.

It would seem to me much wiser to consider the effect of producing a pension scheme from a general revenue source, as is done for those individuals who have served in our country's armies. They may have a very small pension from the armed services but, no matter what the cause of their death, in times of hardship they may be given the full pension. This is granted on the basis of service to country, and it is extracted from the general revenue fund.

But to extract from the fund of the Workmen's Compensation Board, which I would remind all members is supplied totally by the employers of this province, a benefit fund

for widows and children of individuals who have died from causes totally unrelated to their work or work experience, I think is probably quite inappropriate. If we wish to look at another form of providing these benefits, then I would be very willing to do so, but in the meantime I think that it would be entirely wrong to delete the sections which he hon. member is suggesting be deleted in order to ensure that a worker's family received the total benefit under Workmen's Compensation Board dependency benefits for any cause at any level of pensionable disability.

[5:30]

Mr. Speaker, I have to tell you that I'm a little bit surprised that section 2 is included here, because I thought that the hon. member for Timiskaming had received all of the information that he needed from the Workmen's Compensation Board. I am surprised, as I said, that he is still questioning the amount of information which is provided by the Workmen's Compensation Board.

I should like the hon. member to know, and all hon. members in this House to know, that indeed the Workmen's Compensation Board in this province provides more information to claimants than does any other workmen's compensation board in Canada, or any other in the United States that I am aware of. Through a number of sources, including the worker's advisers, through the individual officers of the Workmen's Compensation Board, a number of pieces of information are freely available to all claimants.

Medical information is entirely available to all claimants through the claimant's individual physician, because I would remind the hon. member for Erie—I'm probably in the wrong area again—

Mr. Haggerty: That's right.

Hon. B. Stephenson: Is that right? Thank you—that indeed all reports of consultations, all reports of medical examinations, are submitted by the board to the individual claimant's physician—to his personal physician. That information resides with that personal physician and at any time the claimant is free to approach his personal physician to request explanation of or exploration of all of the medical information there.

I think it would be very unwise to—

Mr. Good: And his doctor tells him one thing and tells the board something else.

Hon. B. Stephenson: The documents are sent to the physicians precisely for that purpose, so that indeed the individual claimant can see the information which has come from the consultants, with the assistance of his physician.

There are some reports, I'm sure, which will be indecipherable to some claimants and they would need the assistance of their personal physician to make some sense of some of the statements which are contained therein. But in addition to that it is entirely possible that some of the consultants' reports would be terrifying to some of the claimants if they read them without the assistance of someone with some expertise in the medical field.

As well as that, I think it would be very unwise to broaden the availability of any medical information to anyone other than the individual's personal physician, because, as was suggested earlier, it is quite possible that this might become much more public knowledge and might not in fact do the claimant any good at all. There may be information within that documentation which the claimant would much rather have no one else in the community—or even within his family—aware of. It is quite possible that unless the confidentiality of medical documentation is maintained, that the privacy of that individual may be violated rather dramatically.

Thus it is that the Workmen's Compensation Board in Ontario has, I believe, bent over backwards to make sure that as much information as it is possible to provide is available to each and every claimant individually. This, I think, is a reasonable situation and I hope will continue.

I would remind the hon. members that there was a good deal of activity in this area several years ago led by a Mr. Ison, from the faculty of law at Queen's University, who later went on to become the chairman of the Workmen's Compensation Board in British Columbia. When the Act was amended in British Columbia, he ensured, and in fact devised a treatise of some length to ensure, that the freedom of information which is granted under The Workmen's Compensation Act in this province would not be repeated in British Columbia. Indeed, the strictures there are much greater than they are within this province. May I have one moment to deal with the final question?

Mr. Speaker: You have about 20 seconds.

Hon. B. Stephenson: Twenty seconds. Oh!

The provision of a disability pension for lack of disability is indeed a total anomaly.

As the hon. member for Timiskaming knows, the Workmen's Compensation Board provides medical benefits and provides compensation for any worker who develops an industrial illness during the period that he is away from work. But if he is not permanently disabled, and if indeed he is able to continue his employment, then I wonder how we can use the concept of providing compensation or a disability pension for the non-disabled individual?

As the hon. member obviously knows, in the programmes which are being carried on at Elliot Lake and in other places and in the silicosis programme, an individual who may show dust effects only and has no sign of disability is enabled by funds from the Workmen's Compensation Board to change his employment in order that he may remove himself from the dire effects of the area in which he is working and take on other employment. It is a programme which has been initiated by this Compensation Board. It is unique in this world and I think it is a very good one.

This is providing a form of compensation, if one likes, for individuals who are not disabled and this we feel is valid. But to say that we are going to provide disability pensions for people who are not medically disabled, who have no loss of income and have no problems I think is a total anomaly and cannot be supported.

Mr. Lupusella: Of course, I completely disagree with the statements of the Minister of Labour.

Hon. B. Stephenson: That's natural.

Mr. Lupusella: I hope it is very understandable in view of the fact that the factual explanations which she has been giving us are not correct. In view of the limited time which—

Hon. B. Stephenson: They are indeed entirely correct.

Mr. Speaker: Order, please. I think the hon. member should not make a statement like that.

Mr. Lupusella: The Minister of Labour is always disagreeing with us so I am not surprised what she has been saying in the House.

To get to the core of the problem, I had better talk today. I hope that on December 13 we are going to have a better opportunity to exchange our ideas in relation to the activity of the Workmen's Compensation Board when we discuss the budget of the board.

Hon. B. Stephenson: It is not to discuss the budget of the board. Mr. Speaker, on a point of order, that committee does not discuss the budget of the board.

Mr. Lupusella: We are going, on December 13—

Mr. Speaker: The hon. member for Dovercourt will speak to this bill, thank you.

Mr. Lupusella: In view of the limited time which is available to me, let me talk for a while about the freedom of information.

I am very pleased today to speak on this private member's bill introduced by the hon. member for Timiskaming. It is my duty to support strongly the principles involved in this bill not only in my capacity as an official critic of the Workmen's Compensation Board for the New Democratic Party but primarily because this government has a great responsibility in dealing with problems relating to injured workers.

In my budget debate speech of June 21, 1976, I pointed out to the government that it is time to make changes in The Workmen's Compensation Act. Therefore, the bill introduced by my colleague from Timiskaming is one to which the government should give its consideration, to alleviate the bad feelings and needs of injured people when they are dealing with the present cumbersome bureaucracy existing within the Workmen's Compensation Board structure.

When the Act establishing the Workmen's Compensation Board was passed by the provincial Legislature in 1915 its first scope was to help, on a humanitarian basis, those unfortunate enough to have suffered injuries on the job.

Since then the Act has applied an adversary system toward injured workers by favouring employers, big companies and the corporations. The Progressive Conservative Party hasn't been very concerned with making radical changes in the Act in order that injured workers may gain some of the trust already lost since The Workmen's Compensation Act was enacted.

One way in which the board is very adverse to injured workers, besides other problems, is when they are requesting to see their files. The bill is going to cover this loophole presently existing in The Workmen's Compensation Act. There is no doubt in my mind that an injured worker should have access to his files and other materials filed with the

board concerning that employee. Besides that, there is no specific provision in the Act which says that an employee can see his file whenever he wants. This bill gives the right to the injured worker to have full access to material in his file.

Up to the moment the board has a policy that you can only see the file through a special arrangement with the board officials, especially when the case is under appeal. The Unemployment Insurance Commission is more flexible in this regard. If a claimant wants to see his file while he's getting benefits from the Unemployment Insurance Commission, he just has to go to the Unemployment Commission office. Their officials don't object. Why can this kind of a flexibility not exist with the board? Why is it that the claims officers won't show their medical reports on which they based their decision when granting or denying benefits to injured workers?

Hon. B. Stephenson: He doesn't see all the documents.

Mr. Lupusella: I think that is a very disgraceful deprivation of a right to injured workers when they are in the process of defending themselves.

Because of the limited period of time available, I won't be able to pursue other items which my colleague from Timiskaming has incorporated in his bill. One thing which I want to emphasize is that the board is supposed to use some humanitarian sense in making available to injured workers information received by doctors and specialists. My frustration has reached a peak level when dealing with the board. I'm sure, as I stated in previous speeches—and I think my colleagues will support me in this—that the board is making injured workers' lives very hard and I don't think it's too strong to say that the Workmen's Compensation Board is the most disgraceful branch of this government.

This bill is going to alleviate, at least in part, the difficulties in getting information from the board and will relieve the difficulties imposed on poor injured workers who do not know the channels of defending themselves for lack of information.

The one thing I would like to make clear today in speaking on this bill is that there are a lot of heavy flaws in The Workmen's Compensation Act, a lot of inefficiencies, a lot of loopholes. We must find ways to avoid these loopholes and inefficiencies by pushing for changes. I can assure you that if we form the government some day, the Workmen's Compensation Board will be completely abolished and a universal insurance plan will be introduced to replace it which will be sensitive and more humane to the needs of injured workers in the province of Ontario.

Mr. Sweeney: I rise to speak to this bill and to support each of its sections. I rise to support the basic principle of each of the three sections. Whether or not the same result could be achieved in some other way, I am not free to say, so I am supporting the principle.

I do so for a couple of reasons. The first one is that in the short time that I've been in this Legislature I have more concerns brought to me by constituents dealing with the Workmen's Compensation Board than any other agency of the government. As a matter of fact, the very first three concerns I had brought to my attention the day after I was elected were three cases that had been in abeyance, shall we say, or had been in the line of action with the Workmens' Compension Board for upwards of three years. Now after a period of seven or eight months each one of those cases were eventually satisfactorily settled, but it did take an awful long time to do it.

Mr. Davidson: They probably cut them off again.

Mr. Sweeney: I'd like to speak very briefly to each of the three sections.

First of all, I support the first one because the whole issue of degree of disability is one that seems to be creating more problems than anything else. Even the medical profession itself very recently had a short article in the Ontario Medical Review, September, 1976, in which they, as doctors, indicated their concern about the position they often found themselves in, in assessing the amount or the percentage of disability. We're talking here of 100 per cent, but I think we can talk about that whole range of percentage of disability.

[5:45]

I believe very strongly that when a husband and a father and the breadwinner of the family dies, whether or not he has been 100 per cent disabled, whether or not he had 100 per cent pension, whatever he had at the time of his death should continue. There should be some kind of a continuing link with the breadwinner—and I am speaking here primarily of the father, although I suspect it could be the mother as well—so that the breadwinner somehow should continue in the life of the family. The wife, in this particular case, and the children should appreciate the fact that the income or the

support maintenance that was coming to their family as a result of their father and their husband should be continued. There should be that kind of continuing link.

I also believe that we should recognize, as I discussed a minute ago, that this whole question about the degree or the percentage of disability is one in which there is a great deal of controversy, a great deal of concern and very frequently a lack of agreement. For that reason I am supporting section 1.

For section 2, dealing with access to materials, I would start off by saying that I personally have not had any difficulty when approaching the board to get the kinds of materials that I need to assist my constituents. I don't think that's the question here. I also don't have any examples that I can quote where individuals, when they finally went all the way down the line and literally demanded to see certain pieces of their file, weren't allowed to see them.

I think there are two questions here, though. The first one is that quite a number of my constituents, rightly or wrongly, have the perception that they cannot see the file; that somehow or another there's a great deal of secrecy there. I would repeat: Whether that's correct or not, that's the perception that they have given to me. When I have dealt with them a little bit longer and have been able to get some of the information that they were looking for, this somewhat relieved them. I guess the point I am trying to make is that out there in the world beyond this Legislature, there are a lot of people who have been involved with the Workmen's Compensation Board who do not perceive that.

The second point I want to make is that seeing bits and pieces of a file is not always the best way, because quite obviously the board bases its decision on the totality of the file, on everything that's there—all the little bits and pieces that go together to make up the final picture. It has also been expressed to me by some of my constituents that they are never really sure why the final decision was made the way it was, because they didn't have access to all the pieces that someone somewhere put together to come to a decision.

I would like to suggest to the minister that some provision be made for the people who are dealing with the Workmen's Compensation Board to be able to sit down with someone, whether it is here in Toronto or whether it's in the various district offices scattered throughout the province—and surely that's one of the roles those offices can play—with their total file. I agree with the minister that the individual by himself or herself could very well be confused in trying to read the file alone. But I do feel that the ministry has competent people in its local office and its regional offices who could sit down with the individual, go over the file and be sure they fully understand all of the factors that are being taken into consideration. It is my perception that there are times when that does not take place and the person, maybe unnecessarily so, feels aggrieved by the decision because they didn't have the information available to them.

On section 3, the whole business about industrial disease, I want to base my total comments on the first line and the first word of the second line, "where an employee suffers from an industrial disease." In other words, we are starting out with that presumption that in fact the employee has contracted an industrial disease. That's the base upon which I am starting. Whether or not that employee is physically disabled and whether or not he or she still is able to continue to work, obviously he or she is less than a full person. There is the mental anguish, if nothing else. There is the psychological and emotional trauma that that person has to go through, knowing that they are carrying within their body a disease which somehow or another is not going to enable them to reach their full potential as a human being, even though they are able to continue to work and to earn money. I believe that they are eligible for some compensation for that kind of mental anguish, that emotional trauma, which they carry with them for maybe 30 or 40 years of their life.

Let me repeat: I am starting out from the assumption that this says, ". . . suffers from an industrial disease." They actually have the disease.

Mr. Haggerty: Chronic bronchitis is not covered.

Mr. Sweeney: Whatever the case may be, we as society owe that person something. I think in all three of these there is an underlying concern which somewhere, somehow in this Legislature we are going to have to deal with. That is the funding because I believe—correct me if I am wrong—that one of the reasons the government has to look so often so carefully at what it can do with this board is that the total funding has to come from the employer.

Somewhere down the line we have to draw a limit as to how much we can take out of the employers. Somewhere, we are going to have to speak to the whole issue about fund-

ing this in a different way. Whether we are talking of taking some of it out of the consolidated revenue fund; whether we are talking of some form of insurance scheme, such as has been suggested by my colleagues to the right, I am not sure what the final answer is.

I do know that as long as the present funding mechanism is going to continue to prevent us from making some of the needed and essential changes in this legislation, we should be looking at the funding mechanism as well. I think that has to be tied in with all three of these sections.

I close by saying that I support the principle of these three amending sections. I think that as the Act stands now we are doing a disservice to some people who have to deal with the Workmen's Compensation Board.

Mr. Williams: I appreciate the opportunity to speak to this bill and join with the Minister of Labour in opposing the bill in principle as presently laid before us in the House this afternoon.

The reasons for opposing the bill have been stated by the minister. In speaking to all three sections of the bill, which I will be referring to, the one section which is of particular concern to me and one which is far-ranging and all-encompassing is the one dealing with the proposed new section 2.

This section, as worded, certainly goes far beyond the specific wording of the existing sections in the legislation. It goes beyond, it would appear, simply requiring that certain medical or other professional information of a medical nature be provided. It suggests at this point in time that an injured worker may be prejudiced because of the existing circumstances and degree of confidentiality which are retained under the present system.

If we look at the section it does not restrict itself, it would appear, simply to having total access to medical advice but rather, as the section says, " . . . to all reports and other materials filed with the board concerning that employee." As the minister stated earlier, no other comparable board in operation in this country provides as much information and makes as much information available to claimants in assessing their case so that they can have a full understanding and appreciation of what factors have gone into the board's arrival at such a decision as it may in an individual case.

There is just cause for maintaining a degree of confidentiality with regard to the doctor-patient relationship. There are very few instances of confidentiality in law in society today. It appears that of the areas where a degree of confidentiality is retained and recognized in law, one exists between solicitor and client; one exists between doctor and patient; and I suppose there are one or two other situations which prevail, too. The number of situations in which this degree of confidentiality is recognized and retained certainly can be counted on the fingers of one hand. The type of section we have before us in section 2 is a lawyer's delight, if I might say that. Wherever one finds legislation that contains a word such as "reasonable," there we have the makings for more litigation, more discussion and more debate than we'll find under any other given circumstance.

Mr. Davidson: You must be against Bill 139.

Mr. Williams: I can assure you, Mr. Speaker, that this type of phraseology in legislation is a lawyer's delight, because it keeps lawyers employed from one year end to the other.

The use of a term such as "reasonable" is subjective at best. In all instances where this word is used in relevant sections of legislation, it provides hours of discussion and argument in the courts of law. This has become so well known in the legal profession and beyond, that this is one particular term that lawyers today avoid and strongly urge the legislators to avoid using for this very reason.

I think lawyers are busy enough without having to have additional extra work burdened upon them because of the ambiguities and uncertainties of such phraseology being used. It tests not only the wisdom and judgement of members in the legal profession, but members of the bench. Certainly many judges have found that in final summation they themselves have had to apply some degree of subjectivity to giving an interpretation as to what fact was reasonable—not in the eyes of a claimant or in the eyes of a defendant, but in trying to apply an objective interpretation of what in fact is reasonable.

This section in itself I think is just cause for speaking against the bill, because it creates more uncertainties and more ambiguities than it was intended—I think in good faith—to resolve.

It has been pointed out on a number of occasions in this House that the board has been well aware of the fact that there is a potential for an injured worker being prejudiced if they didn't have as much information as possible. With this confidentiality position being maintained—in fact,

Mr. Speaker, as you would well know, this has been upheld in the courts—with this degree of confidentiality being maintained, the board has developed a system of providing summaries of information to injured workers, including the pertinent segments of medical reports, as an acceptable substitute for total and complete access to medical information. I think a reasonable and practical way of resolving a potential difficulty has been worked out from past experience and practice by the actions that are presently applied by the board.

Mr. Davidson: You find it reasonable.

Interjection.

Mr. Speaker: Order, please. The hon. member for Oriole only has the floor.

Mr. Williams: Where an employee does wish full access to contents of medical reports, again I can only stress that these reports should only be disclosed—and this was stated by the minister earlier—by the attending doctor, to provide a full understanding of the medical history or status of the injured worker. Only in this way, I think, can the board gain full and complete information from a medical practitioner who feels a degree of protection, thereby providing an atmosphere in which a doctor can fully and completely report in his medical judgement as to the actual degree of injury, permanency of injury and all other facets of the injury that have been experienced by the worker. Were it not for the degree of protection provided, I think medical doctors would be reluctant to be as frank, forthright and complete in reporting as is required and prescribed under the legislation.

Mr. Speaker: I would point out that the time has expired.

Mr. Williams: Certainly that section alone gives me cause to oppose the legislation. In concluding I would reiterate what the minister has said, that certainly no disability payments should be payable where no disability exists, as she referred to in speaking to the third section of the proposed amendment.

Mr. Bain: Let's vote on the bill.

Hon. B. Stephenson: Mr. Speaker, I wonder if in the absence of the Minister of Culture and Recreation (Mr. Welch), I might table copies of the letters which were requested today in the Legislature; these are from the Minister of Culture and Recreation.

Mr. Speaker: Yes, that would be in order.

Hon. B. Stephenson: May I also indicate to the Speaker and to the members of the House the business for tomorrow. There will be supplementary estimates of the Ministry of Health—hopefully the minister will be available tomorrow, he happens to be ill today. Following that there will be second readings of Bills 171, 168 and 169, and following that, committee of the whole House on Bill 139.

On motion by Hon. B. Stephenson, the House adjourned at 6 p.m.

APPENDIX

(See page 5393.)

Answer to a question was tabled as follows:

154. Mr. Angus—Inquiry of the ministry: Would each ministry indicate the total amount of accounts payable as of March 31, 1976, that was applied to the budget of the 1975/76 fiscal year and the 1976/77 fiscal year.

Answer by the Treasurer (Mr. McKeough):

The information previously supplied to answer question No. 74 indicated the total amount of accounts payable as of March 31, 1976. This, by definition, represents goods and services received no later than March 31, 1976, but remaining unpaid after the statutory close of 1975/76 business. All amounts listed therefore were paid in the 1976/77 fiscal year.

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No. 131



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Third Session of the 30th Parliament

Tuesday, December 7, 1976

Afternoon Session

Speaker: Honourable Russell Daniel Rowe
Clerk: Roderick Lewis, QC

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LEGISLATURE OF ONTARIO

TUESDAY, DECEMBER 7, 1976

The House met at 2 p.m.

Prayers.

Mr. Speaker: Statements by the ministry.

PROTECTION FOR BORROWERS AND DEPOSITORS

Hon. Mr. Handleman: When The Borrowers and Depositors Protection Act was introduced in the House of Commons late in October, the government of Ontario went on record as saying that, while we welcomed the federal government's initiatives in dealing with unscrupulous lenders, we had some grave reservations about the Act as a whole. Having now had time to study Bill C-16, I regret to announce that we still have serious reservations as to its potential effectiveness. I recently advised Minister of Consumer and Corporate Affairs Anthony Abbott of our concern on four major points.

The first is with the concept of the bill and its potential effect on the lending and borrowing communities. Bill C-16 envelopes the entire financial community, from those elements which might be considered criminal in their activities through to those already adequately governed by provincial legislation, whose activities have given no serious cause for concern. For example, the concept of unwarranted rate appears to be insufficient to deal with loan sharks while creating considerable difficulty within the legitimate market. People indebted to loan sharks will simply not go to court to have the rate adjusted. However, this concept could seriously hinder lenders in dealing with borrowers who are attempting to avoid payments. The net result could be that the borrower meeting his payment commitments on time will end up subsidizing the lender's costs which are involved in dealing with delinquent debtors.

Second, the bill, as it stands now, could create serious constitutional problems. Woven into the text of Bill C-16 are many matters which we feel fall solely within provincial jurisdiction. Ontario has long had legislation relating to cost of credit disclosure in its Consumer Protection Act, collections in The Collection Agencies Act, and unconscionability under The Unconscionable Transactions Relief Act and similar legislation.

Third, the overlap with provincial legislation could create serious problems in administration. We recognize the clear-cut federal jurisdiction in respect of criminal law and of interest, but feel that this bill mixes the subject-matter to an extent that will require court interpretation to untangle. Until such matters are settled by the Supreme Court of Canada—and that could be several years from now—a considerable degree of uncertainty will prevail for both borrowers and lenders. There is also the day-to-day problem of applying provincial legislation where similar, but not identical, federal legislation exists. A businessman could find himself in conflict with one piece of legislation and facing prosecution simply for complying with the other jurisdiction's legislation. We have not as yet had any indication of the federal government's attitude as to which legislation will prevail where they differ.

Fourth, the federal legislation appears to be only a shell with the main impact depending on the regulations written under it. I have advised Mr. Abbott that, if it is his intention to proceed with the bill in its present form, Ontario will expect to be given ample opportunity to examine the regulations and express our concerns. The letter to Mr. Abbott concluded by saying: "We feel that we have a mutual interest in providing the best of the law for consumers, but that we must do so within the concepts of a balanced marketplace and a proper respect for the provincial role."

I am tabling today a copy of my letter to Mr. Abbott so that all members will be aware of Ontario's position on this very important legislation. It's a position which will be put forward at this week's provincial consumer ministers' conference in Edmonton.

POINT OF PRIVILEGE

Mr. Roy: I'd like to rise on a point of personal privilege, Mr. Speaker. You will recall that on Thursday last my leader and myself asked questions in the Legislature

directed to the Premier, (Mr. Davis), hoping he would direct these questions to the Treasurer (Mr. McKeough). They pertained to a land sale transaction in Ottawa, where there were allegations in the Ottawa Citizen that a former reeve, a member of the council, had invested certain moneys in land and it had returned a profit. Apparently he was on council, and there were allegations that he had not declared his interests.

At the time the questions were asked, and subsequently on Friday, December 3, in the Ottawa Citizen, the member for Carleton (Mr. Handleman) was quoted as saying the following: "The same dirty political tactics used in the 1975 provincial election are now being injected into the contest for reeve." Then he was quoted as saying as well, "The minister said the charges were in the same spirit as the dirty political campaign waged by the Liberals against him in 1975."

I want to take strong objection to this in that it seems to me that for a minister of the Crown, when members of the Legislature feel there has been an infringement of a provincial statute and bring it to the attention of the minister, to say that is "dirty political tactics" is highly irresponsible of the minister.

Secondly, to suggest that we, the Liberal Party, had something to do with the story appearing in the Ottawa Citizen is an affront —that is to give us certain powers we don't have over the Ottawa Citizen is an insult to the Ottawa Citizen, which is an independent paper.

I think the minister should be made to withdraw such remarks.

Mr. Speaker: I presume this all happened outside the House. I don't recall it happening in here.

Hon. Mr. Handleman: May I please speak to the point, Mr. Speaker?

First of all, if there is any suggestion at all or any thought that I might be attributing any motives to the leader of the third party and the member for Ottawa East, I would like to dispose of those thoughts immediately. I was speaking entirely of the tactics which were being used in Ottawa at the last minute, which were the same kind of tactics which were used against me in September, 1975. It had nothing to do with any member of this House.

Mr. Speaker: That apparently happened outside the House.

Mr. Roy: You said the Liberal Party.

Hon. Mr. Handleman: The reference was to my opposition in 1975. Unfortunately it is a fact. They were the tactics they used against me.

Mr. Roy: It was highly irresponsible of you.

Oral questions; the hon. Leader of the Opposition.

Mr. Lewis: On a point of order, if I may, Mr. Speaker, before we get into question period.

Mr. Speaker: I thought we were in it.

POINT OF ORDER

Mr. Lewis: May I beg your indulgence to precede the question period with a point of order?

If a matter arising from a debate in the House is reported in the press and then brought to your attention as a point of order or a point of privilege, is that not within the bounds of the Speaker's jurisdiction?

Mr. Speaker: As I understand it, there was a discussion in the House but the comments which the hon. member objected to were comments which were made outside the House.

Mr. Roy: Yes, but it involved something that took place in the House.

Hon. Mr. Handleman: No it wasn't, not at all.

Mr. Speaker: I can't control what went on outside the House.

Hon. Mr. Handleman: It was the story in the Citizen, you said.

Mr. S. Smith: May I speak to that point, Mr. Speaker?

Mr. Speaker: I'll hear the hon. member.

Mr. S. Smith: Very briefly, you will recall that I asked the question. I said there was a story in the Ottawa Citizen and I asked: "Can the Premier explain whether or not there is any truth to this or if he has looked into it." That's all I asked. Whereupon the hon. minister called out: "I dare you to say that outside the House," with a real implication that somehow I had said something salacious or libellous. That is there; and I imagine the interjectionist picked it up although I have not particularly checked Hansard. That is simply not acceptable, Mr. Speaker.

Mr. Speaker: I say again, there was a question asked in the House and I don't know what the answer was. The comments to which the hon. member took exception were apparently in a speech or some interview outside the House, and I can't control that. If the hon. member wishes to read May, I believe there is something covering such situations but as far as the Speaker is concerned he can't control what is said outside the House. Order, please. I believe this is getting into a debate. The hon. Leader of the Opposition.

Mr. Lewis: I think the Minister of Consumer and Commercial Relations believes that everything libellous is salacious, doesn't he?

Mr. Speaker: I believe the minister gave an explanation that was reasonable.

PUBLIC HEALTH NURSES' NEGOTIATIONS

Mr. Lewis: May I ask the Minister of Labour, now that events have effected, and her ministry along with it, a resolution of the dispute in Hamilton-Wentworth between the public health nurses and the board, where do we go from here in terms of the collective bargaining negotiations?

Hon. B. Stephenson: I am anxiously awaiting response to a communication directed toward the executive director of the Ontario Nurses Association from a meeting which they held on Saturday. I have not had any communication from the executive director since that time. However, there are three other sets of negotiations going on at this point. It is my hope, as a result of the successful solution found in Hamilton-Wentworth, and hopefully successful solutions in the other three instances, that the other 25 may follow suit.

As I have stated publicly on many occasions, and to both the Association of Boards of Health and the Ontario Nurses Association, as soon as this set of negotiations is completed the entire capacity of the Ministry of Labour will be available to both of those parties to work together to find a reasonable solution to this recurrent problem, one that will preclude the possibility of the kind of disturbance we've had this year.

Mr. Lewis: May I ask, by way of supplementary, where we stand in the other three ongoing negotiations?

Hon. B. Stephenson: They are negotiating at the moment and I think it would be improper of me to say at what point they are at this stage.

[2:15]

USE OF LEPTOPHOS

Mr. Lewis: A question, if I may, of the Minister of the Environment: Is the minister thinking seriously of taking the pesticide leptophos off the schedule 2 list in The Pesticides Act, which he administers?

Hon. Mr. Kerr: I want to make sure it is the name. Is it Phosvel? Is that the name? That's one that we mentioned earlier this week—yesterday as a matter of fact.

Mr. Lewis: That would probably be the trade name it goes under.

Hon. Mr. Kerr: Yes. I understand the Ontario crop protection committee is meeting to decide whether or not it will recommend the use of that particular pesticide on its 1977 list. There is some difference of opinion between members of that committee.

Also Agriculture Canada is currently reviewing the product and its potential neurotoxic implications. It's presently under the Environment Ontario schedule and it is available only to licensed operators and agriculturists.

The product contains a warning as to its possible neuro-toxic implications. The feeling as far as my ministry is concerned is that it is safe. It is not manufactured in this country although it is distributed by a firm in Stoney Creek.

However, because of the uncertainty I expect that there'll be a firmer answer sometime before the end of this year and before that new list is made final.

Mr. Lewis: By way of supplementary, has not the appropriate group within the ministry met, even within the last week, and recommended that leptophos be taken off the list?

Hon. Mr. Kerr: No, Mr. Speaker. The majority decision on that committee is that it does not have enough toxicology information to delist it and that is what the committee wants to obtain now before it makes a final decision. In other words, it wants to get a little more information and also discuss it with Agriculture Canada and make a decision before, as I say, its further use is permitted.

OHTB BUS LICENCE

Mr. Lewis: A question of the Minister of Transportation and Communications on the

ongoing theme of Gray Coach and Greyhound, if I may ask him. Was the minister aware at the time he presented the approvals from the Ontario Highway Transport Board that it would result for Gray Coach in a $1 million turnaround from the projected profit of $700,000 in 1977 to an explicit deficit position of $300,000 in 1977? And when they move into a balance position as a result of that, who is going to supply alternative work for the 245 who will lose their jobs? And how will the small communities of Ontario be serviced since Gray Coach has decided to abandon them?

Mr. S. Smith: Sound familiar?

Hon. Mr. Snow: Mr. Speaker, there are a lot of assumptions in that question—

Interjection.

Mr. Speaker: Order please. Order.

Hon. Mr. Snow: I have no information that Gray Coach have decided to abandon any routes.

Mr. Lewis: What of the $1 million turnaround?

Hon. Mr. Snow: I have no information directed to me as to the so-called turnaround that the hon. Leader of the Opposition mentions.

Mr. Davidson: Better talk to the chairman.

Hon. Mr. Snow: There has been nothing forwarded to me and I don't know whether there has been that type of evidence presented at the hearing which was held by the Highway Transport Board.

Mr. S. Smith: It was.

Hon. Mr. Snow: And I do not accept the suggestion that there will be 245 drivers laid off because of any decision that has been made.

Mr. Reid: They will bump other TTC drivers.

Mr. Deans: How many do you think will be laid off?

Hon. Mr. Snow: First of all, Mr. Speaker, Gray Coach operates a great many buses for the Toronto area transportation authority. I believe we now operate some 120 buses. Most of them are operated by Gray Coach for TATOA. We are expanding that fleet all the time—at least annually—and, of course, as there are more buses there are more drivers required. It's my understanding there have been some problems in getting enough drivers rather than having a surplus of drivers.

Mr. Lewis: If I may, by supplementary: Why does the minister remain in the world of conjecture when the various people associated with the TTC, Gray Coach and the union have provided to the board publicly, and are in the process of providing to him, absolute specifics as to a $300,000 deficit next year, the number of jobs that will be lost and the necessary curtailment of routes?

As a supplementary to the supplementary—then I'll take my seat—is the minister, in the light of this evidence, if it proceeds going to provide public subsidy to maintain the service to those various routes, primarily in western Ontario, which will be in effect a public subsidy to Greyhound for the right to competition?

Hon. Mr. Snow: Mr. Speaker, first of all, we do not supply public subsidy—

Mr. Lewis: Yet.

Hon. Mr. Snow: —to inter-city bus routes.

Mr. Reid: You will be.

Mr. S. Smith: You're going to have to.

Mr. Speaker: Order, please.

Mr. Reid: Going to supply it to Greyhound.

Hon. Mr. Snow: Secondly, Mr. Speaker—

Mr. S. Smith: Ten million dollar give-away.

Hon. Mr. Snow: —I am in no position to make any decision with regard to the decision of the Highway Transport Board. As the hon. members know I'm sure, and as I've said here many times and as the Premier has said, there are provisions in The Public Vehicle Act for appeals on the decisions of that board. It is my understanding, from press articles I have read, that it is the intention of both Gray Coach Lines and the union representing the drivers to appeal that decision. When that appeal is received by the Lieutenant Governor in Council, every consideration will be given to the appeal and a decision will be made.

With regard to figures which have been supplied by Gray Coach—the management of Gray Coach and the TTC are one and the same, basically—I have had conflicting figures and unreliable figures presented to me by TTC in the past year and I cannot totally rely on the figures which they present.

Mr. S. Smith: By way of supplementary: Can the minister now give an assurance to

the people who are living on the Gray Coach routes between Barrie and Owen Sound; Guelph and Owen Sound; the people in Orangeville; Alliston; Beaton; the Port Carling area; Bala; Bracebridge and the Gravenhurst region, that they will suffer no curtailment of the presently available bus services as a consequence of this particular decision? Can he give an assurance that even if it requires public subsidy they will lose none of the services they presently have?

Hon. Mr. Snow: Mr. Speaker, I cannot give an assurance that they will not lose any of the services they presently have. I cannot say that Greyhound-Gray Coach Lines might not—

Mr. Wildman: They aren't one and the same yet.

Hon. Mr. Snow: Gray Coach Lines—I can't say Gray Coach Lines will not withdraw service from a particular route.

Mr. Davidson: What is your responsibility as minister?

Mr. Speaker: Order, please.

Hon. Mr. Snow: I am quite sure, though, that if there's any withdrawal of service there would be many other applicants willing and ready to supply that service.

Mr. Deans: It is nonsense. You have destroyed public trust in the province of Ontario single-handedly.

Mr. Speaker: Order, please. The member for Scarborough-Ellesmere.

Mr. Warner: Mr. Speaker, to the minister: If the minister is not sure that any jobs are going to be lost and since in fact he agrees there will not be any loss of jobs, is he now ready to guarantee that any individual who does lose his job because of this new licence can come to his office and will be directed to an appropriate suitable job in the same profession?

Hon. Mr. Snow: No. Obviously, I'm not an employment agency—

Mr. Reid: You are an unemployment agency.

Mr. Speaker: Order, please.

Mr. Bullbrook: Send them down to the Minister without Portfolio (Mr. Henderson).

Mr. Breithaupt: Send them down to Lorne.

Hon. Mr. Snow: I can assure this House from the information I have at hand there is nothing to lead me to believe there will be any serious depletion of jobs. In fact, I can see nothing but the number of jobs increasing in the bus transportation industry in the years ahead.

Mr. Cassidy: A fatuous reply.

Mr. Speaker: The final supplementary on this.

Mr. S. Smith: Supplementary. Since the minister says he cannot rely on the figures provided to him by Gray Coach and the TTC, may I ask exactly what means he and his cabinet colleagues are planning to use in considering the appeal? How is the minister going to go about getting reliable figures if he can't count on the ones their management will provide for him? Might he consider putting the whole matter in front of the select committee on highway transportation which already exists in this Legislature?

Hon. Mr. Snow: When an appeal is made to the Lieutenant Governor in Council it is very thoroughly investigated. The different parties to the appeal make written submission. If members of cabinet do not feel they have the necessary information, they will ask for additional information. This is why it sometimes takes a considerable period of time for cabinet to get all the information to be able to deal with an appeal.

Mr. Sargent: Mr. Speaker—

Mr. Speaker: Order, please. I said that was the final supplementary the last time.

Mr. Sargent: On a point of order.

Mr. Speaker: A point of order.

Mr. Sargent: We have lost our trains up our way. Now we're going to lose all our buses. I reserve the right to ask a question of this minister on this subject.

Mr. Speaker: Order, please. The hon. member may ask a question in his turn.

Mr. Lewis: I will ask one on this subject, then the member for Grey-Bruce can follow.

Mr. Sargent: Okay, thanks.

Mr. Lewis: In light of the peril which now faces the small bus routes throughout western Ontario, does the Minister of Transportation and Communications not think he should now disqualify himself from any hearing related to Gray Coach and Greyhound's application at all since he has gratuitously repudiated information from the TTC and

since he has indicated already that he will not accept the arguments being made on employment loss or on financial loss? Surely the minister is in no position to sit in judgement when he has taken a position counter to that which will be put to him.

Mr. S. Smith: The member for Wentworth North (Mr. Cunningham) asked that last week.

Interjections.

Hon. Mr. Snow: I have taken no position at all in opposition.

Mr. S. Smith: On television.

Mr. Lewis: There is a conflict of interest.

Mr. Speaker: Order, please.

Hon. Mr. Snow: I have reported to this House, factually, the information, and replied factually to the questions that have been asked of me. I have said definitely that this matter, if it is appealed to the Lieutenant Governor in Council, will be dealt with by the cabinet.

Mr. Davidson: Irresponsible.

Mr. Speaker: A final supplementary on this. The member for Grey-Bruce.

Mr. Sargent: In view of the fact that the Greyhound corporation owned by Holiday Inn of America, is represented by Mr. Eddie Goodman for these hearings and that—

Mr. Speaker: This is supposed to be on the question that was asked.

Mr. Sargent: This is on the question, very much so.

Mr. Speaker: Please proceed.

Mr. Sargent: We have Mr. John Robarts acting for another firm. We have John Clements acting for Voyageur of Power Corporation. Is the minister not concerned about this? I want to ask him does he know for sure that the Highway Transport Board are in favour of this themselves? They are concerned about political interference at this point, I can tell the minister that.

Hon. Mr. Snow: No, I'm not aware of the Highway Transport Board's concern. There has been no indication to me of any political interference. Of course I cannot make decisions for applicants to the board as to who they might employ to be their legal counsel.

Mr. Speaker: The member for Hamilton West with his questions.

Hon. Mr. Snow: I might also say that again the hon. member is referring to a company owned in the United States. I have to say that according to the information I have 40 per cent of that company is owned by citizens of this country. I think they have some rights, too.

Interjections.

[2:30]

Mr. Breithaupt: That is where the control is.

Mr. Speaker: The member for Hamilton West.

Interjection.

Mr. Speaker: Are you leading off? That was the final supplementary on the same topic.

Mr. Bullbrook: Do you realize there was one supplementary?

Mr. Speaker: Order, please. The same question has been asked day after day so we have to get on with other questions.

Interjections.

Mr. Speaker: Order, please. I have called for the hon. member for Hamilton West with his question.

Mr. S. Smith: To the Minister of Transportation and Communications: How can the minister justify sitting as a judge on the appeal that is going to be brought his way when he has already said that the party bringing the appeal is unreliable in terms of its presentation of facts and figures? How can he sit in judgement in that type of situation?

Mr. Roy: Do you consider that impartial?

Hon. Mr. Snow: Mr. Speaker, I have not said that the company is unreliable. I have said that the company or the TTC, whose management have the same individuals, have presented me with figures before which I have found unreliable.

Mr. Reid: That's a fine distinction.

Mr. Lewis: A supplementary, Mr. Speaker. Could we ask the minister to give us chapter and verse, to which the TTC can respond, on the figures which they presented to him and which are unreliable—since he is so gratuitously slandering them? What figures is he talking about?

Hon. Mr. Snow: Mr. Speaker, I am re-referring to figures the TTC gave me approximately a year ago when discussing the capital programme for this current fiscal year. The TTC told me there was no way it could get by with its current capital programme for this year, with less than $127 million I believe it was. We were unable, within the constraints of our ministry, to allocate $127 million but we did allocate to the TTC, for capital purposes, $92.4 million. I must say I received some degree of public flak from the TTC for that decision—that we were not giving them enough money.

Mr. Mackenzie: Now you are going to penalize them.

Hon. Mr. Snow: The truth is that now, nine months approximately into that fiscal year, the best information I have from my officials—who I must say at that time said $92.4 million was adequate for the programme; it was all the TTC needed and all it could use—the figures I received yesterday showed that TTC spending on the capital programme this year will be $73 million—almost $20 million less than it said was not enough and almost $50 million less than it said it needed.

Mr. Speaker: The member for Hamiton West.

Hon. Mr. Snow: No further supplementary today?

Mr. Lewis: No.

Interjections.

Mr. Speaker: Order, please. The member for Hamilton West only.

MINING CLAIMS

Mr. S. Smith: A question of the Minister of Natural Resources; this has to do with the Lake Wanapitei issue which I raised in the House on December 3. Could the minister explain why he told me on December 3, "I would just advise the hon. member we are working very closely with the Ministry of the Environment on this matter," when on December 1 in estimates the Minister of the Environment said, with regard to Lake Wanapitei, "I am not sure what MNR's plans are. We haven't got any studies in respect to Lake Wanapitei in Sudbury."

Could the minister explain what form this close working relationship with the Minister of the Environment takes in as much as the Minister of the Environment doesn't seem to know about it?

Hon. Mr. Bernier: Mr. Speaker, I am not aware of what the Minister of the Environment said.

Mr. Nixon: He just told you what he said.

Hon. Mr. Bernier: It could have been taken out of context. I would like to read into the record a copy of a telegram that I sent to—

Mr. Nixon: It was taken right out of Hansard.

Hon. Mr. Bernier: —Mayor Mike Solski, of the town of Nickel Centre, Sudbury, in answer to a telegram he directed to me on November 29. It said: "Drilling on Lake Wanapitei. Result of discussion between officials of my ministry and representatives of those wishing to carry out this exploratory drilling programme, I understand that agreement has been reached to defer drilling pending study of water quality and protection methods. The balance of the area of the lake was withdrawn from staking by deputy minister's order two weeks ago."

Mr. S. Smith: By way of supplementary, since the minister has just read this telegram and since he also told me and this House on December 3 that he had taken steps to guarantee that the companies holding claims on Lake Wanapitei would not drill, how is it that a Mr. Ron Christie, the deputy regional director for the ministry in Sudbury, has informed us today that the ministry has not received such an assurance from Mr. A. Arena, who has recorded claims in his name east of the Hollinger claim? Mr. Arena has not yet agreed not to drill; and in fact when we spoke to Mr. Arena, how is it that he could tell us he received a work permit last week from the Ministry of Natural Resources for diamond drilling assessment work and was planning to work this winter, even though he said he was just told yesterday by the ministry that his work permit was issued in error? How does the minister explain this fiasco where diamond drilling for uranium is permitted in the middle of a water supply of Sudbury?

Hon. Mr. Bernier: Mr. Speaker, I can only repeat what I said in answer to an earlier question, when I indicated to the leader of the third party that drilling would not be allowed until we have the proper controls; and those control programmes, of course, will be discussed with the Ministry of the Environment. In no way, and I repeat in no way, do we want to jeopardize the water

quality or the quality of that water which is going to those particular communities. We have met with the Hollinger people and they have agreed to defer until suitable plans are put in place to guarantee that this will not happen.

Mr. Laughren: Supplementary: When the Ministry of Natural Resources gives permission to a company to drill for uranium does it first ensure that that company has obtained permission from the Atomic Energy Control Board of Canada?

Hon. Mr. Bernier: No, Mr. Speaker.

Mr. Laughren: Supplementary.

Mr. Speaker: Related exactly to your supplementary?

Mr. Laughren: Yes. It is not, in fact, a requirement of the Atomic Energy Control Board that such permission be obtained before any drilling goes on at all?

Hon. Mr. Bernier: Mr. Speaker, the province does have the responsibility of promoting and assisting in exploration for minerals in this particular province. It is a provincial responsibility. Only when the ore is found and being developed does the Atomic Energy Control Board come into play.

Mr. S. Smith: Can the minister explain—he still has not done so, Mr. Speaker—why he told this House that all the holders of claims have agreed not to do any work on those claims, when in fact Mr. Arena today tells us he has reached no such agreement and has in fact received a work permit from the ministry? Why does the minister say he has agreements from all claim holders when Mr. Arena has not given him that agreement?

Hon. Mr. Bernier: Mr. Speaker, I'm assured by my staff that agreement was reached. I can only assure the member that I will look into it and find out what the discrepancies are all about.

Mr. Bullbrook: Was it a phone call?

Mr. S. Smith: Another question to the minister then, a new question on this topic: The minister assured us on December 3 he had taken steps so that no further claims would be permitted in the middle of that lake. Since he's able to do it now, may I ask how come his ministry did not in fact prevent claims from being staked in the first place, last year and the year before, in the middle of Lake Wanapitei? Why did he allow those claims to be staked?

Hon. Mr. Bernier: Mr. Speaker, the Crown lands of this province are open to staking by anyone who has a valid miner's licence—

Mr. S. Smith: Why are you blocking it now?

Hon. Mr. Kerr: It's our concern about the water.

Hon. Mr. Bernier: —and in no way did we realize at that particular time that there was uranium in that particular area. Since then this has come to light and we've withdrawn the rest of the lake from staking. As I indicated before, we will guarantee that the water supply is protected.

Mr. S. Smith: Supplementary: Since the minister and his ministry knew very well there was quartzite ore under that lake, and since he has now withdrawn the rest of the lake from staking, why didn't he withdraw the whole lake in the first place, which would have avoided the entire problem?

Hon. Mr. Bernier: Mr. Speaker, I believe I've answered that question already.

Mr. S. Smith: To the Minister of the Environment regarding the same matter: Can he tell this House whether in fact his ministry has done any testing in the lake for radon gas, given the fact that his ministry is well aware of the quartzite ore that exists in that particular lake, and had any such radon gas study been done prior to a phone call that the ministry received in the last couple of days?

Hon. Mr. Kerr: There has been no drilling that I am aware of for uranium in Lake Wanapitei. I'm not aware of any testing for radon gas. Certainly there's all kinds of testing in respect to chemicals in a body of water which is a source of drinking supply for a community such as Sudbury. I will get the information as far as radon gas is concerned, but the point is that there has not been any drilling. One has to drill to test, and I would assume that certainly before any drilling is allowed in that particular body of water that we have to be absolutely satisfied that the drinking water supply will not be affected as a result of that drilling. Certainly the Ministry of Natural Resources is aware that it has to get permission from us before any such drilling can be carried out.

Mr. Speaker: Further questions?

AIR POLLUTION IN HAMILTON

Mr. S. Smith: A question for the Minister of the Environment on a different topic: With regard to the sulphur dioxide pollution at Stelco in Hamilton, when an article was written on this, the minister was quoted as saying, with regard to measuring from the stacks the amount of sulphur dioxide coming out of Stelco: "It's an idea that makes sense. We want to be more accurate and it is likely we will have stack monitoring several months from now." How does the minister manage to make that correspond with the following statement from the minutes of Hamilton's pollution control committee, Thursday, December 2: "The committee dealt with the correspondence from the Hon. George Kerr which indicated that the Ministry of the Environment would not support the measuring of sulphur dioxide emissions either entirely or in part from stacks." When did the ministry change its mind and what occasioned the change in mind? When can we expect stack monitoring now?

Hon. Mr. Kerr: The ministry changed its mind after some discussion with the minister.

Mr. S. Smith: And when can we expect stack monitoring?

Mr. Speaker: Any further questions from the member for Hamilton West?

The hon. member for London North.

[Applause.]

Mr. Conway: Marvin's going Social Credit.

Interjections.

Mr. Speaker: The member for London North after all that.

Interjections.

Mr. Speaker: Order, please. The member for London North.

DELAY IN OSAP APPROVALS

Mr. Shore: Mr. Speaker, I would like to direct a question to the Minister of Colleges and Universities.

Interjections.

Mr. Speaker: Order, please. We are wasting valuable time in the question period here.

Mr. Shore: I am paid by the season, Mr. Speaker, so I'm okay.

Interjections.

An hon. member: And you turn colours like the season.

Mr. Speaker: Order, please. Will the hon. member proceed?

Mr. Shore: The question relates to perhaps airways rather than the busways for a moment, but I would like to ask the minister if he is aware of and concerned about an article in the London Free Press, dated December 3, 1976, headed by: "Tough Luck," subheaded by "Student may lose out on tans if loans delayed much longer"? The thrust of the article is that many students will not be able to travel south or north during the Christmas break this year because the student loans have not been received—

Some hon. members: Question, question.

Mr. Shore: I would like to ask the minister if it would be fair to say—

Interjections.

Mr. Speaker: Order, please.

Mr. Shore: Would it be fair to say that most students are properly in need of their loans and that they should not have to be concerned that their loans may be jeopardized by a few irresponsible students who undermine the validity of student loans by abusing the privilege? Would the minister comment on this and would he not agree that the purpose of loans is to help those in need of education and not travel? And if he agrees with this—

Interjections.

Mr. Speaker: Order, please. I think that's quite a lengthy question.

Interjections.

Mr. Speaker: Order, please. All this noise is just delaying the question period.

Interjections.

Mr. Speaker: Order, please. Does the hon. minister have an answer to that?

Interjections.

Hon. Mr. Parrott: I would like to reply to that question. I think it was one of the better questions that we had asked today.

[2:45]

Inerjections.

Mr. Speaker: Order, please. Will the hon. minister continue with the answer.

Mr. Singer: Even the Attorney General (Mr. McMurtry) is laughing.

Hon. Mr. Parrott: I am in no hurry. I, too, have the honour of representing a portion of that area of the province. I did see the article and I share many of the concerns of the member for London North. I would like to assure the member and other members of the House that we do have a pretty active audit and verification section in the student awards division of the ministry.

Mr. Peterson: Like the home buyers grant.

Mr. S. Smith: Lend them to Arthur.

Hon. Mr. Parrott: I am sure they will continue to exercise judgement in this instance and in other cases which might be brought to our attention. I would also remind the members that it is a needs-tested programme and I would hope that any irresponsible action by any student would not put a very valuable programme in jeopardy. I am sure it is easy to indicate cases in which, perhaps, it isn't applied as effectively as sometimes one would like but surely that should never destroy the importance of a good programme in this province. We will work hard to see that it is kept well within the bounds of good administration so that the students who need help will receive it.

Mr. Conway: If you think that was a good question, wait for the supplementary.

Mr. Speaker: Is this a supplementary?

Mr. Warner: Yes. Since the—

Mr. Shore: A supplementary.

Mr. Speaker: Order, please. Do we have a supplementary here first of all? A brief supplementary?

Mr. Shore: What would the minister's response be to the travel agent's comment: "Certainly some of the money going for student travel comes from government loans and why not?" What would be his response to that?

Mr. Speaker: I think that was answered, was it not?

Hon. Mr. Parrott: The response, I think, is that, very carefully, the needs of a student are assessed—

Interjections.

Hon. Mr. Parrott: I am not going to speak any longer.

Mr. Speaker: Order, please.

Interjections.

Mr. Speaker: Order, before we go ahead.

Mr. Warner: Yes, Mr. Speaker. Since—

Mr. Speaker: Order, please. The minister has not completed his answer yet.

Interjections.

Hon. Mr. Parrott: One tends to forget the question after that length of time. I think the point I want to make is that the awards are made based on need. Very carefully, all the needs and the resources of the student are assessed. Once the award is made—again, underlining the very important principle that it is a needs-tested programme—the actual spending of that money is the responsibility of the student.

Mr. Roy: You have said that.

Hon. Mr. Parrott: Obviously, the first claim is tuition fees. The balance is for living accommodation. We ask, naturally, that the students allocate and budget the money they receive in a fashion appropriate to the purpose of the loan—that is, to continue their education here in the province.

Mr. Speaker: Is this a supplementary ?

Mr. Warner: Since part of the question of the member for London North dealt with the processing of the applications and the lateness thereof, I would ask the minister if he could tell us how many applications still have not been processed?

Secondly, does the minister intend to deal with those students who have applied for loans but not received them by lending money to those students until such time as the loans have been approved? That is a common story which is circulating in some quarters.

Hon. Mr. Parrott: I am afraid that I must explain this in a little more detail to the member for Scarborough-Ellesmere. The loan programme isn't something which terminates on September 30, it is an ongoing programme. I was advised the other day that 10,000 applications have come in since November 1. It takes approximately six weeks to turn around an application. He certainly wouldn't expect us to lend money on those new applications. It is a continuing process and therefore those in the process will be through in about six weeks' time, and there would be no obvious need to do what the member suggests.

Mr. Bullbrook: The member for London North has a right to laugh after that.

Mr. Speaker: Is this a new question?

Mr. Warner: A supplementary, Mr. Speaker.

Mr. Speaker: No, we have to have a new question. The time is nearly up. The member for High Park-Swansea.

INTERCON SECURITY

Mr. Ziemba: A question of the Solicitor General, Mr. Speaker: In view of the fact that the Ontario Government Protective Service provides security for most government buildings, why is a private firm being used at the Ministry of Revenue offices at 77 Bloor Street West?

Hon. Mr. MacBeth: I gather the suggestion is that a private firm is looking after the buildings of the Ministry of Revenue. I don't know that; I'll have to get that information. I don't know whether that's factual or not.

Mr. Ziemba: Supplementary: Is the minister aware that the private firm is Intercon Security, who have as their representative the well-known Mr. Richard Grange, a man who has been the subject of much discussion in this House?

Hon. Mr. MacBeth: I admitted being past the menopause the other day, but I guess I'm getting deaf as well. I didn't hear the last of the question.

Mr. Ziemba: I was asking the minister if he's aware that the private firm is Intercon Security, which has as its representative Mr. Richard Grange?

Hon. Mr. MacBeth: I didn't even know there was a private security company involved, so naturally I don't know the second part of it. I will make investigations.

ORGANIZED CRIME

Mr. Reid: I have a question for the Solicitor General, in regard to organized crime. Can the minister indicate to the House if there has been an appreciable increase in the amount of illegal gambling in the province in the last three or four years and in the amount of loan sharking, and if that is related to organized crime in the province?

Hon. Mr. MacBeth: Yes, I think there is. The problem, of course, is getting definite figures on such things as organized crime operations. Certainly, there is much more gambling in the province today than there was and I'm afraid that some of it is in the hands of organized people.

In so far as loan sharking is concerned, generally it is more fear of what's going on than reality. I wish—and I know my hon. friend wishes it too—that the victims of loan sharking would come forward and make their complaints known to the authorities and to the police. We fear there is a great deal of loan sharking going on, but, sir, we have no figures to substantiate just how much increase there is or is not.

This is the whole problem that we're faced with, trying to get victims of organized crime to come forward. Of course, if they don't come forward we have a great deal of trouble getting any accurate figures at all, so we have no accurate figures.

Mr. Kerrio: Don't you read reports?

Mr. Reid: Supplementary: In view of the minister's answer that he's having difficulty in having people come forward, will he reconsider his decision, in view of his answer, to hold a public inquiry into organized crime? Is the minister aware of Judge Roach's report on organized crime, where he said, on page 365, "There is no doubt in my mind that the establishment of this commission under The Public Inquiries Act has operated as an effective brake, at least for the time being, on the criminal activities of persons disposed to organize themselves into groups."

In view of the minister's answer and in view of his statement in his annual report, indicating that people should be aware of it, will he consider an inquiry into organized crime in the province?

Hon. Mr. MacBeth: Some days ago, the hon. member for Rainy River asked me if I thought it would be proper to have an investigation into organized crime. I replied at that time that I didn't think it would accomplish anything. Since that time I have had discussions with some of the senior police officers and they tell me they do not think we are ripe or ready for a formal investigation into organized crime.

Mr. Reid: You are ripe for organized crime, though.

Mr. Bullbrook: Just not enough organized crime.

Hon. Mr. MacBeth: They feel that little, if anything, would be gained and that some of the work they are doing in a quiet way

and some of the knowledge they may have would be destroyed by it and that it might drive them away.

I'm not saying that at no time would an investigation be appropriate; at some time it may be appropriate. But the police authorities I have talked to say that little would be gained by it at this time and their opinion is that at the present time it would do more harm than good.

Mr. S. Smith: Just before the next election.

Mr. Peterson: What percentage more do you want, John—20 per cent, 25 per cent?

CAMPBELLFORD HOSPITAL

Mr. Philip: A question for the Minister of Health: Is the minister aware of the resignations last Thursday of the majority of the doctors at Campbellford General Hospital? Is he aware that three medical doctors, namely, Dr. David Burgess, Dr. A. F. Kaufman, and Dr. George Astaphan have reportedly requested an outside impartial audit of the accounts of that hospital?

Hon. F. S. Miller: No, I was not.

Mr. Philip: Is the minister prepared, perhaps in co-operation with the Attorney General, to investigate the allegations and the signed affidavits that I have provided him with, allegations which would suggest there may be some connection between the purchase of a paper shredder and the destruction or disappearance of records that are not yet seven years old, and allegations also of possible fraud, mismanagement and unusual labour relations in that hospital?

Hon. F. S. Miller: I haven't had a chance to read the statement the member sent to me just a moment ago, but if it indicates there is a need for an audit or an inquiry into the operation of the hospital, I would see that it was done.

LEGAL AID PLAN

Mr. Ruston: I have a question for the Attorney General.

Mr. Conway: Headline.

Mr. Ruston: What action is the Attorney General taking to avoid the misuse of Legal Aid funds, such as the fraud case in London where 22 people are being charged and there is a possibility that the cost may run the fund up to a quarter of a million dollars?

Hon. Mr. McMurtry: I know this case in London. I know a little bit about it but it hasn't been brought to my attention that there has been any misuse of Legal Aid funds. As a matter of fact, as I understand it, and perhaps the hon. member opposite can add more to my information, there is some concern by the local Legal Aid administrator as to the number of counsel involved. I gather there's some dispute between counsel representing certain accused and the local director of Legal Aid in relation to the number of actual certificates. But I know of no abuse of Legal Aid as suggested by the member.

Mr. Ruston: Supplementary: Is the minister considering any effort to prohibit anyone from drawing on Legal Aid more than twice?

Hon. Mr. McMurtry: The member is talking about a recidivist. This is a problem that is of concern to the Law Society. I think I should remind all members of the Legislature that there is a very important presumption in our law which is really fundamental to the freedoms of all our citizens, that is, the presumption of innocence. To arbitrarily deny persons Legal Aid because they have been convicted once or twice or three times is tantamount to making a judgement of their guilt or innocence, and surely we can all appreciate the very serious dangers inherent in that.

Mr. Speaker: The oral question period has expired.

POINT OF PRIVILEGE

Mr. Germa: Mr. Speaker, I raise a point of privilege on behalf of the public accounts committee. On November 4, 1976, by letter a motion was sent to the deputy minister. I shall read the motion: "That records of OHIP's statements of payments of income to individual licensed practitioners in excess of $100,000 during the fiscal year 1974-75 be made available to the committee; such records to include the name, address, nature of practice and any income derived from clinical billings to the practitioner." As well, we sent a legal opinion from the Attorney General's department which indicated the committee had a right to this information.

It is now December 7 and the information is still not in the committee's hands. In various telephone conversations with the manager of OHIP and his staff, I have come to the conclusion that they are not co-operating

with supplying the information to the committee. I bring this to your attention, Mr. Speaker, so that you might impress upon the people concerned that it is our right and our privilege to have this information.

[3:00]

Mr. Speaker: I'm sure your comments will come to the notice of the appropriate people.

Mr. Bain: Well, do something.

Mr. Speaker: Order, please. It's not the Speaker's duty to do this at this point.

Mr. Nixon: Let's hear from the Minister of Health on that.

Mr. Foulds: On that point of privilege, is it not possible, if the information is not forthcoming, for you to issue a Speaker's warrant?

Mr. Speaker: I really don't think so, but I'll check into it for the hon. member.

Hon. F. S. Miller: Mr. Speaker, on the point of privilege, I have no knowledge that my staff is delaying the procuring of that information. I have never given them any such indication that they should—in fact, just the opposite. I'd like to see it also and I have asked them to hurry it up.

TRIBUTE TO LEWIS FAMILY

Hon. Mr. Welch: Mr. Speaker, I'm wondering if I could have the permission of the House to make two announcements while most of the members are here and before they go to other responsibilities?

This afternoon at 4 o'clock Her Honour will be in the House to give royal assent, and I know the members would like to know that in advance.

I would also like to point out as a matter of some interest that members of the Legislature and the people of the province will be interested to learn that December 7, 1976, marks the 50th anniversary of the appointment of Major A. C. Lewis as Clerk of the Legislative Assembly. This means that for half a century a member of that family has presided at the head of the table of the Legislative Assembly of this province. Major Lewis served 28 years, from 1926 to the end of 1954, and his son Roderick has succeeded him for 22 years since January 1, 1955. I would ask that members of the House join me in acknowledging the major contribution Roderick and his father before him have made to our parliament and express our thanks for their many years of faithful service.

[Applause.]

Mr. Lewis: Mr. Speaker, if I may, on the point raised: It is a sign of the elegance of the Lewis family, and intelligence—I speak only of the clerk Lewis—that in expressing his acknowledgement he should bow to the Speaker rather than to the government.

Mr. Speaker: Don't you wonder how they have withstood 50 years?

Mr. Reid: Especially with certain Speakers.

Mr. Roy: Especially the last 30.

Mr. Speaker: That's obvious. Certainly, I acknowledge the assistance of the hon. clerks.

Hon. Mr. Welch: Mr. Speaker, he kept his hair too.

Mr. Speaker: That's obvious.

Petitions.

Presenting reports.

REPORTS

Hon. Mrs. Scrivener presented the report of the public service superannuation board for the year ended March 31, 1976.

Mr. McNeil from the standing resources development committee presented the committee's report which was read as follows and adopted:

Your committee begs to report the following bill without amendment:

Bill 131, An Act respecting Farm Income Stabilization.

Mr. Speaker: Motions.

Introduction of bills.

MUNICIPAL ELECTIONS AMENDMENT ACT

Mr. Swart moved first reading of Bill 183, An Act to amend The Municipal Elections Act, 1972.

Motion agreed to.

Mr. Swart: Mr. Speaker, this bill would require that an employer give his employees three consecutive hours within which an employee may exercise his voting privileges in an election under The Municipal Elections Act, 1972, and so extend to these elections

the same time-off provisions as exist in The Election Act in relation to a provincial election, in order to ensure that all electors have the opportunity to vote in municipal elections.

LABOUR RELATIONS AMENDMENT ACT

Mr. Stong moved first reading of Bill 184, An Act to amend The Labour Relations Act.

Motion agreed to.

Mr. Stong: Mr. Speaker, this bill establishes a bargaining unit of hospital pharmacists as an appropriate unit for collective bargaining.

ELECTION AMENDMENT ACT

Mr. Stong moved first reading of Bill 185, An Act to amend The Election Act.

Motion agreed to.

Mr. Stong: Mr. Speaker, this bill expands the qualification to vote by proxy from those engaged in the business of transportation to those whose employment requires that they be out of the province of Ontario during the election period.

ANSWERS TO WRITTEN QUESTIONS

Hon. Mr. Welch: Mr. Speaker, before the orders of the day I wish to table the answers to questions 157, 158, 171 and 176 standing on the notice paper. (See Appendix A, page 5470.)

Mr. Speaker: Orders of the day.

House in committee of supply.

SUPPLEMENTARY ESTIMATES MINISTRY OF HEALTH (continued)

On vote 3002, institutional health services programme; item 3, institutional care services:

Mr. Chairman: The hon. member for Windsor-Walkerville.

Mr. Bain: Mr. Chairman, when we adjourned the debate on the 30th, I was speaking at the time.

Mr. Chairman: You had the floor?

Mr. Bain: Yes, I did.

Mr. Chairman: You are allowed to continue then. The hon. member for Timiskaming.

Mr. Bain: Thank you very much, Mr. Chairman. I'm sure the minister will remember the points I raised on the 30th about the conversion of the old Kirkland Lake hospital into a combined chronic-care, extended-care facility. I also mentioned the other day something which could be added and which would be innovative in the province; that is actual senior-citizen units. At that time I mentioned the necessity for this because of a most unfortunate situation. We have a number of elderly single people in the riding, particularly elderly miners, who live by themselves and I'll cite only one example to the minister to prove the point.

There was an elderly miner living by himself in a boarding house and he was ill. He was without much income and he couldn't afford any other accommodation. The owner of the boarding house was kind enough to look in on this gentleman from time to time. The elderly miner reached the point where he couldn't get out of bed on his own. The owner of the boarding house would come in and move the gentleman from the bed to a chair by the window where he would sit all day, have a little bit to eat and then he moved back into his bed at night.

The unfortunate thing was that by the time this elderly miner was taken to a doctor, his condition had deteriorated so badly that he had to have a leg amputated. The doctor who was in charge of him for this operation said it was the kind of situation that needn't have occurred. It would have been something they would have caught if there had been this type of facility—a chronic-care, extended-care, senior-citizen facility that could easily be made out of the Kirkland and District Hospital.

The minister might say that kind of gentleman should have been brought to medical attention. But there are a number of more isolated communities and this gentleman happened to have lived in one of them. There was no access to a doctor. By the time his condition had deteriorated to such a stage where he was brought to a doctor in another community, it really was at a situation where it was very advanced. I would think this kind of facility that the people are asking for would be one that would be very worthwhile. It would not only serve Kirkland Lake and the immediate area, but also places like Larder Lake, Virginiatown, Matachewan and other rural communities that are in Timiskaming.

We already have a commitment by the local medical profession that there are sufficient doctors attached to the present Kirkland Lake Hospital who would be able to look after a chronic-care facility that would be made out of the old Kirkland Lake and District Hospital. We also have the commitment of the present administration of the hospital in Kirkland Lake that they would be able to administer the old hospital as well if it were converted to this kind of facility.

I would appreciate the minister's comments. Because I know a number of other people would like to bring up important points in his estimates, I won't speak any longer. I would appreciate the minister's comments and perhaps a brief opportunity to ask a couple of further questions.

Hon. F. S. Miller: We've discussed this in previous estimates. I think the last time we talked about it we made the comment that a bed need study of the north was being done in that particular area. I believe we'd even talked about the town of Kirkland Lake having done one of its own. My staff tell me that we've had ours handed to us since my estimates began, or within the last week in any case, on the area. As yet, we haven't responded to it. I believe it will bear out our original comment, that opening this facility as a chronic hospital probably won't meet the real needs of the community, that its needs probably lie more in the direction of more homes-for-the-aged beds or facilities than in either chronic or nursing-home and that the chronic bed needs can be cared for by the new Kirkland Lake hospital.

Apart from that comment, you'll remember that we had to look at the overall rehabilitation needs of the northeast part of the province. As yet, that has not been resolved. We will have to have a chronic rehabilitation facility, I'm sure, somewhere in the northeast. I suspect Kirkland Lake would not be the best of all the choices. Without seeing the results in advance, I suspect that probably Timmins would be. This has been the indication of those who've made, let's say, a perfunctory overview of the needs of the area. You only need one rehabilitation facility versus a number of holding chronic facilities in a given geographic area.

More important is the danger of always assuming that a used hospital facility will continue to operate when a new one is built. I see this popping up in community after community. I see it in the Haileybury area where, as you know, a deal has been made. Somebody was offering to buy the old facility. That's fine; they were offering to do it with their own money. You can see it occurring in Midland where somebody just withdrew from the offer today to buy the old hospital. There is always the assumption you'll get something new but not lose anything old. That's not something we should inculcate into the minds of people. The purpose of building new facilities is to upgrade and offer services that can't be offered in the old one, or can be offered in a better way in the new one. This often means the old facility should disappear.

While a building like this can be worth a million dollars—and I think that's what the province paid for it or something in that range—the operating costs can be two, three, four, five or six times the purchase cost per year. Therefore, one must not just operate them simply to operate and provide employment, one must operate them to fill genuine health needs of the community, otherwise we shouldn't have built the new hospital at all.

[3:15]

Mr. Bain: Just on two points that the minister covered. I was a little disturbed—you said you had received a study since the beginning of your supplementary estimates last week. Although you just received the study, you seemed in your answer to be supporting a decision that conversion of the old Kirkland and District Hospital will not be warranted. I hope you have not already made a decision without having evaluated the study.

The other thing is the mention of rehabilitation. Again without having the facts you seem to be saying that a rehabilitation facility would not be suitable for Kirkland Lake. I just don't want these kinds of conclusions drawn without having all the facts in.

One point I would like to make is that it's nice to say we should have a senior citizens' home, or we should have these kinds of beds, or we should have home care provided, but what happens when those programmes are not in place, are not likely to be in place and you have people with real needs? Why put them in a category and then deny them access to a facility that already exists and could be converted into, I think, a good facility?

Would the minister be agreeable, before any decision is made about the old Kirkland and District Hospital—once he has evaluated the study, would he be agreeable to sit down —I would prefer it if the minister would come up home, but I know he doesn't have the time to visit all the ridings, even a riding as pleasant as Timiskaming. I am sure he might

like to come to Timiskaming, he'd enjoy the rest, but I realize that is not always possible—

Hon. F. S. Miller: Every time I go you win votes.

Mr. Foulds: Come again!

Mr. Bain: But before a final decision is made, once you have evaluated the study, would you be agreeable to meet with a delegation from Kirkland Lake to discuss the possibility of conversion or to discuss your decision as a ministry?

Hon. F. S. Miller: Generally I have been willing to do those kinds of things. I certainly don't want you to jump to the conclusion that I have jumped to a conclusion. That's all.

We are talking about my estimates today and I am saying that appears to be the tenor of the report—at least if the synopsis just given to me, I have not even seen it, is correct, then that was the tenor of the report. I am certainly not going to jump to that conclusion until I have had my staff review it properly and offer me their recommendation on it.

Mr. Bain: And you would be happy to meet with a delegation before a final decision is made?

Hon. F. S. Miller: I am always willing to undo the errors of the past.

Mr. Bain: That, I take it, is a yes?

Hon. F. S. Miller: Yes.

Mr. Bain: Let Hansard show the minister nodded yes.

Mr. B. Newman: Last week when we were discussing the minister's estimates I raised the issue of the Riverview Hospital. At that time, the impression was left in my community, rightly or wrongly, that Riverview Hospital still does have a chance of remaining where it is, that there are some studies being presented to the minister by the chairman of the board of the Windsor Western Hospital in which he is attempting to point out that the phasing out of Riverview would simply be a transfer of costs from Riverview to the other hospitals in the community.

Can the minister without any equivocation give us the straight facts concerning Riverview Hospital? Will it or will it not be phased out at or approximately at the end of the fiscal year, March 31, or some short time after March 31?

Hon. F. S. Miller: The answer I gave the other day as you know was remarkably brief for me. When you asked me the question about the future of the Riverview Hospital I gave an answer that implied that I was waiting for some information. That information was whether the date of March 31 could be met in the closing of Riverview. I understand there are certain technical problems in having all the alternative beds in place for that date, so that there may obviously be some need to carry on operations at that location for a short time after the finalized date.

But in terms of will it close or won't it close, the answer remains exactly the same. It will close at that location as soon as we have the other facilities available for the transfer of patients.

Mr. B. Newman: The reason I raised that is the community was informed that the minister was a bit hesitant and there was a chance that Riverview Hospital would remain open. Now I would assume the hospital will be phased out completely, but the exact date may not necessarily be March 31; it may be some short period after that.

Mr. Bounsall: Mr. Chairman, I say to the minister that I very much regret that that decision is now what it appears to be from the minister. He has just admitted to my colleague, the member for Timiskaming, that he is willing to admit the errors of the past. Certainly from your reply last week to the members here, in which I also asked you to be flexible, for the first time you seemed to be flexible on this issue of the question of the closing of Riverview Hospital. It's quite a disappointment to have you now admit publicly that the only flexibility you have is not the closing, but only the date of that closing. I cannot understand why the minister and his officials are so closed-minded with respect to this decision.

Mr. Wildman: Closed-minded in more ways than one.

Mr. Bounsall: It was implied last week that you were waiting to hear back from the district health council, with respect not just to the date but to the closing. I thought perhaps that may have been a political answer only at the time, because at that very time their chronic care rehabilitation committee had a chronic care task force touring the community—it has completed its work now—investigating what should best be done in chronic care. We hear in the community that the informal decision of that task force is that they are again going to recommend that Riverview not be closed. So that chronic care task force, reporting to the district health council, would

have that district health council reporting to the ministry that that was the best information to be found in the community, having thoroughly surveyed the situation.

I just can't understand why the minister continues to be so closed-minded when not one, but more than one, fully experienced chartered accountant and people from the faculty of the business administration of the University of Windsor, have done the figures on this and are convinced that in fact there will be no money savings and simply a transfer of costs to other hospitals.

In addition, in the other hospital locations, the 120 or so beds remaining would be put into space which in most of them is no newer than the present accommodation they are in. The argument, about newer facilities, if one is going to use it as an argument on the minister's behalf, simply does not pertain either. Since at times you are willing to admit errors, I don't see why you and your staff simply do not face facts in this situation and admit that all you are getting is a transfer of costs.

To turn to another point, the provision of the services, to try to ward off the break-up of those units that are currently giving the service, Windsor Western-IODE, of which Riverview is a part, have indicated that they are willing to use their reserve funds, borrowing capacity and preferential income to build the two 72-bed wards that would replace the beds in Riverview out of the funds they now have, bearing in mind that although it might be some years, the building of new chronic-care facilities is the first priority in the capital construction programme for the city of Windsor.

I simply cannot see, with only a transfer of costs involved, with one hospital willing to do that, why those beds at Riverview cannot be left open until that hospital is built either with the Ministry of Health funds under the priority which it has, or until those hospital facilities are built via the means by which Windsor Western-IODE is willing to so do. I gather that there have been attempts made by Windsor Western-IODE to consult with Mr. Davies, your southwestern regional consultant, right until the very last instance to try and reverse this situation, which the minister is bull-headedly in this instance charging along with.

They are not trying to be confrontationalist on this. They are very concerned about this, Mr. Minister. They are waiting until the very last but let me tell you, they have already received support from Mr. Tony Borg of the service employees union saying to them that if it is the board's decision to go to court in order to prevent the closing, the union will join with the hospital in so doing. They do not wish to do that. They wish that reason would prevail on this, but I would suspect that the board, with that kind of support having been tendered, in the final analysis would be ready to take that step.

It's a step which would be time-consuming and expensive and in the interim of which Riverview Hospital would remain open. I really can't see why the Minister of Health and his staff will not face facts in this instance, look at the economics, admit that it's not quite the saving that you had anticipated and it's simply a transfer, and for the delivery of chronic care and the people using chronic care in the Windsor region the continued operation of Riverview is what should occur until those replacement facilities are built, whenever those replacement facilities can be, whether it be one year, two years or as long as five years.

Hon. F. S. Miller: There is a difference between flexibility and indecision. In your particular case, we had two years of negotiation which was flexibility and then an agreed-upon decision at the local level where we would cut our $4-million saving to roughly $3 million for the overall change of roles and beds in the city of Windsor. That was on 1975 figures. To go on past that point is to allow chaos to result.

We had a hammered out decision, obviously only hammered out because we were insisting on a better use of funds in the Windsor area, but in the final analysis we chose and accepted most of the recommendations made by a local study team last year. I am sure you know that. To pretend that we are going to keep reviewing and reviewing and reviewing, in my mind is only being unfair. That decision was taken early and it's one we have stuck with. There were, according to my estimations, some $3 million in savings in the Windsor area as a result of all the changes once they are completely effected and in my opinion that was necessary.

Mr. Bounsall: Just to go on very briefly, it's precisely that saving and whether you have accomplished that saving or any saving with respect to this one portion that's very much in question. With virtually the whole community wanting Riverview to remain open until adequate replacement facilities, if they are even necessary, are in fact built with no particular saving being proven around that particular point of it, is what the issue is

here now, and the issue is also programme and staff.

Some 300 employees are involved there. You are going to be paying out some portion of additional moneys for the termination pay when that should arise, and one does not have, to deliver chronic care in the community, that team of employees who are in fact skilled at it and want to work in that area that are presently in Riverview. That whole team, when and if new facilities are built, should move with those patients.

Mr. B. Newman: Mr. Chairman, if the officials from Windsor Western Hospital can prove to the minister that there is no saving whatsoever in the phasing out of the hospital, that it's simply a transfer of expenses from one hospital to another, would he allow Riverview to remain open?

[3:30]

Hon. F. S. Miller: Mr. Chairman, that was all discussed last year. I am no longer willing to reopen it.

Mr. Wildman: I have a couple of very short questions I would like to get the minister's answers on under this vote. The first one deals with the cut-backs in beds in Sault Ste. Marie after the restraint programme was announced. It has come to my attention since that time that prior to that decision and since—even more so since—a large number of people in my riding around Sault Ste. Marie and people living in Sault Ste. Marie who need to get into the hospital for care have some difficulty in getting in.

This morning my constituency office received a call from a gentleman who is suffering from cancer and requires therapy. His doctor says that he requires hospitalization in order to receive that therapy but his doctor is unable to get him admitted to the Plummer Memorial Hospital in Sault Ste. Marie because there aren't enough beds.

I would like to know the minister's reply to that. What is the situation with beds in Sault Ste. Marie? What is going to be done to ensure that people can get into the hospital when they need care, especially people with very serious illnesses like this, who require therapy but end up waiting? I have had a number of calls from people who have had difficulty. I was on an open line show a couple of weeks ago and people phoned up to complain about the elderly having difficulty getting into the hospital when they need to and having to wait one, two, sometimes three weeks. I would really like to know what the minister is doing in that regard in the area of the Sault?

Hon. F. S. Miller: In the Sault, I am told, we have an adequate number of beds in the two hospitals. I am quite willing to look at it. I think it is always possible to find patients who claim they have had to wait and who, in their own opinion, were deserving of admission. Perhaps they are even right.

At that point we have to look at the medical priorities and see that doctors in the area are discharging patients properly and their general admission and discharge procedures are properly carried out before you jump to the conclusion that the problem lies in the number of beds. That is why I can't really answer on the basis of one. I need to look at the overall picture to see whether it was being properly managed from a medical point of view.

Mr. Wildman: Okay. I understand the minister's answer on that. I certainly agree that perhaps some beds were being used and perhaps still are being used for chronic care when they are actually designated as active care beds. Perhaps if those people weren't in the hospital there would be beds available for people who need active care.

It is also true that the Davey Home residential care facility is being extended in Sault Ste. Marie and that might alleviate some of the problems of active care beds. It is a serious problem. I hope the ministry will look at it, see what can be done and see if there are adequate facilities. If there are, what can be done to ensure that they are being used as they should be, because I have had a number of complaints on this?

The other issue I want to bring up is in reference to Wawa. I understand the minister in August, 1975, made a commitment that his ministry was willing to allocate funds to provide ten extended care beds for that community.

I recently received a letter in response to one I had sent to the reeve in which he says, "Following a brief meeting with Frank Miller four or five years ago the approval for extended care was dropped upon the local hospital board." That is an interesting phrase he uses—"dropped upon the local hospital board."

He says, "This type of care has not been pursued by the township. In 1974 a group met with Frank Miller at Sault College; Mrs. Dwyer and Mrs. Lawson were in the group. Our needs were expressed at that meeting." He goes on to talk about residential care and

so on which aren't under your ministry, but I would like to know whether your ministry is still committed to providing extended care beds in the Wawa area?

If you are, what is the timetable? What is required of the municipality? How do you react to the phrase that you dropped this upon the local hospital board? I'd like to know what your feelings are on that and if the commitment is still there and what is required of the municipality in order to be able to take advantage of it.

As you probably know, there's also a movement afoot in Wawa to obtain residential care for the elderly there. Although the Ministry of Community and Social Services says there are enough beds in Algoma they are all in the southern part, which is 140 miles away from Wawa and many people don't want to go there. If you are committed still to the 10 extended-care beds, would you consider again a similar facility to the one in Hornepayne, where your ministry has co-operated with the Ministry of Community and Social Services to share a facility, where they provide a number of units for residential care and you provide for extended care in the same facility? And, if so, have you had any meetings with the Minister of Community and Social Services about that or with any people from Wawa?

I know there are a lot of questions there; I'd like to get some clarification.

Hon. F. S. Miller: Interestingly enough, at this very moment my parliamentary assistant is sitting in the office of the Ministry of Community and Social Services (Mr. Taylor) discussing Wawa. I was to be there at 3:30 and because I'm on my estimates I asked my parliamentary assistant to take my place and that is exactly what he's there for.

I guess it goes back to the point when I was Dr. Potter's parliamentary assistant, that the offer for 10 nursing-home beds as a wing on the local hospital was made. If we dropped it on the hospital board it was unintentional, because in fact representations were made to me via their elected representatives saying they needed those beds and that there appeared to be only one place in the community they could go—that was the hospital. Would I, therefore, consider giving them 10 beds, provided they were built in the normal, nursing-home way.

In other words, the funds for the actual creation of the physical plant would be raised locally, either by the hospital board or any other group and the facility then would buy its services through the hospital, but be paid the normal nursing home per diem. Because 10 beds couldn't justify a unit all by itself—it takes 60 beds to do that—it seemed a logical way out, because we did feel the people in Wawa deserved that type of service.

I can't tell you whether the offer is still bona fide in the sense that there's a commitment standing in my ministry, because usually we allow only so long for a commitment to be taken up and for working plans to come in. I do know that when the member for the area reported back to me that the hospital board was unhappy at being short-circuited, we deliberately stopped discussing it because obviously we had been led to believe that the hospital board wanted it.

It's very difficult sometimes to know, when you're talking to people from a given community, who represents that community's point of view. I had been led to believe by several people from Wawa that this would be met with open arms. So we in fact bent the rules for them, only to find that the hospital wasn't willing to keep up its share. I don't say that in the wrong way; I say they weren't willing to raise the money for building that unit. They would have done it had we provided the money. That, of course, is not one of the rules for nursing-home facilities.

As far as the Hornepayne experiment goes, I am unable to answer you today. We've gone in with Community and Social Services in Barry's Bay to do much the same thing, I believe, where we have one facility that I guess is off the drawing board but not necessarily off the ground. We have, in effect, homes for the aged—it's not quite the same, my deputy tells me, as Hornepayne, but it's at least combining the two ministries in trying to meet the needs of a small community in one building, rather than have two ministries say neither one can justify their own facilities because there isn't enough demand for them in the community.

Mr. Wildman: I appreciate the minister's answer on that and I want to concur with him in his interpretation of his offer and the way it was extended. I don't understand the former reeve's attitude in this letter. Certainly, the people of Wawa wanted the facility and they felt it was needed. I think one of the reasons the hospital board didn't go ahead with it was because they didn't get as much support as they should have from the municipal council—or at least they didn't feel they did.

It is interesting that you say your executive assistant is attending a meeting today to dis-

cuss Wawa. Could you indicate to me if you have had any representation from Wawa, from residents of Wawa, on this? I met with the people concerned, the senior citizens, representatives of the council and the hospital board a week ago Saturday. At that time, Mr. Renault, the representative for the council, said they had a proposal they were going to make to the Minister of Community and Social Services. They didn't want to go and meet with either him or with you until they had something very concrete they could put on the table as a proposal, at which time I phoned the office of the Ministry of Community and Social Services and indicated to them we would hold off on a meeting until we had something very concrete. I'm glad you're concerned with Wawa, but I'd like to know whether we are perhaps working at cross purposes and why you are having a meeting, unless it is just an interministerial thing, with anybody representing Wawa.

Hon. F. S. Miller: We always have representatives of citizens' groups and sometimes political influence is put on us to consider things. I think the very first time we met was on such an occasion, was it not?

Mr. Wildman: I'd like to have a meeting.

Hon. F. S. Miller: As a matter of fact, I have had people through my own party organization ask me the very questions you raised in the House here. I think that is quite a legitimate way for it to come from time to time.

Mr. Wildman: Are you telling me you are meeting a Tory?

Hon. F. S. Miller: There are still some left up there.

Mr. Wildman: Not many.

Mr. Kennedy: I want to take this opportunity to ask the minister about the status of the Mississauga Hospital extension. It has been a high priority for some time and, with the growth in population continuing, the problem is not lessening at all. As we were told the last time estimates were before us—I believe I raised the point—it was approved but it was a matter of funding. I am wondering at this point in time if any encouragement can be offered or if the minister might comment on the present status of accommodation and the pressure that is on at that location for additional facilities. I would think that pressure is just increasing in proportion to the population increase. I would appreciate your comments.

Hon. F. S. Miller: In the perimeter of the metropolitan area of Toronto there has been a great deal of population growth. We have a number of areas where we have been proposing the extension of hospitals. I think the extension of Mississauga was for 200 beds and $23.5 million or something of that nature. Hospitals don't come cheaply, I can tell you.

Mr. Kennedy: I think it was 15 million.

Hon. F. S. Miller: You may be right at $15 million. Maybe Peel was $10 million. In any case, I was looking the figures over earlier today because I was looking at my overall budget for capital and trying to relate it to the overall demands for capital. I only know that there is more demand than there is money. I have a feeling I'm going to have a difficult tightrope to walk in matching the demands of the north with the demands of the south. Therefore, I will be looking very carefully at the number of facilities each allocation would build in one place or another.

I can only tell you, yes, that is still a high-priority item, subject only to the availability of capital funds in my budget. Its position hasn't changed relative to other hospitals that we are trying to build. It's simply been a fact that I haven't had enough discretionary dollars in any given year to get it into that year. It's within a year, I hope, of being started at least.

[3:45]

Mr. Kennedy: Could I just ask a supplementary? Is it possible to do the funding over a number of years whereby the hospital board might get started with a certain amount of funding in one year with the idea that it be continued? Or are we speaking in terms of an approval in one year for the total funding? It takes longer than a year to complete.

Hon. F. S. Miller: It sure does. I think if I look at that hospital under any conditions it's a three-year funding mechanism and it may be even four. If I recall the only allocation of money for it in the coming year would have been something like $100,000 for planning fees—if I'm not wrong. I think I stole the only copy everybody had last week and I had it at home while I was there. I think $100,000 in round figures was allocated this year for planning.

Once the planning process starts, of course you then require something like $5 million the next year and $5 million the next year and $5 million the fourth year. The issue is not to let them start until in fact the other money is in place.

Mr. Kennedy: Would you try to scrape up say $4 million a year for the number of years needed?

Hon. F. S. Miller: Yes, I'm trying to—that I can answer affirmatively. At the same time I'm trying to solve the problems of Terrace Bay and of Kapuskasing and of one or two other places.

Mr. Maeck: Parry Sound.

Hon. F. S. Miller: Parry Sound is another one.

The cost of the 200-bed addition was $21 million and about $180,000 is all that would be required to let them start this year for planning services, $4 million the next, $5.6 million in the third, $2.8 million in the fourth and $1.4 million in the fifth year.

Mr. Moffatt: I'd like to speak for a couple of minutes, if I might, with regard to these estimates.

Mr. Conway: That is interesting, Mr. Chairman—a couple of minutes.

Mr. Angus: Watch it Sean, he is looking at you.

Mr. Moffatt: You know one of these days the member for Renfrew North is going to open his mouth and actually say something instead of just making a noise.

Mr. Conway: Now, now. Order. Order, please.

Mr. Moffatt: What I wanted to discuss was the practice as it has emerged over the past 10 to 12 months at the hospital in Bowmanville. As a direct result of the activities of the ministry in cutting back the funding and the number of patients allowable in the Whitby Psychiatric Hospital, what we have emerging in the region of Durham is a very serious situation where ambulatory patients are placed in the privately owned nursing homes in the area, and people who would normally be resident in those nursing homes are being forced to remain in hospital for extended periods of time because there is no suitable location for them.

I know the minister will deny this is happening, but if he will check with the administrator of the Bowmanville Hospital I'm sure this will emerge as being the case. What they have noticed over the past several months is that doctors who wish to discharge patients and normally would have used the privately owned nursing homes—there's no space in any of the publicly funded institutions in the region of Durham because there aren't enough beds available in the first instance—because of the number of ambulatory patients released from Whitby Psychiatric Hospital to those particular institutions, the hospital in Bowmanville has found the number of days stayed, particularly by elderly patients, has dramatically increased over the past little while. One of the board members of that hospital was in the House the other evening while the estimates were going on and drew this to my attention.

What has in fact happened is that the cost there accrues to the people in the region of Durham in two fashions. Number one, because these people from Whitby Psychiatric Hospital now are in the privately owned nursing homes, a portion is paid by the region of Durham. That adds significantly to the tax cost of the people in that area. As well, we're finding that these increased lengths of stay in the hospital directly contribute to increased costs. It's much more expensive to keep those people in the hospital, where they don't want to stay, the doctors don't want them to be there, but because there are no available spaces, that's where they have to remain.

I'd like to hear the minister's comment on that if I could please.

Hon. F. S. Miller: You started your comment by saying that I would deny it, and I will. HSC beds are separate from nursing home beds in our allocations for areas. Very often areas firmly believe that they're somehow being cheated on the number of nursing home beds available to them because they see people released from psychiatric hospitals in nursing homes, the very same nursing homes that may have nursing home patients. The fact is, though, that we have specific licences for these two kinds of care and, in fact, when an area is getting HSC patients, we are bringing business to that area, if you want to put it that way, that otherwise would be disbursed to the area of origin of the patient.

We're not really cutting down on the number of nursing home beds available for nursing home care patients. What is a more serious problem is who's getting admitted to the nursing home beds available? Should they be there? Or have they been allowed in by perhaps a generous assessment of the disability of the patient prior to admission by the family physician?

Mr. Moffatt: Mr. Chairman, if I may respond to that, what has in fact happened is that the tremendously expensive hospital care beds are the ones which are now having

to be used by those doctors in Bowmanville, even though in Bowmanville they have tried to comply in every way with the minister's regression analysis and they have closed down parts of wards, they have closed a whole floor, they have closed down beds, they're operating on a lower budget than they were last year and, in fact, they're finding that their costs are going up.

It seems to me that in this overall regional analysis, if that's what is done or was done, somebody made a mistake in the calculations, because the costs to that hospital board should not in fact have been going up but they are, and it's this sort of third level effect, the spinoff of your last fall's great activity, which is causing this little community to have great difficulty in maintaining its hospital.

I realize that the minister has attempted to deal fairly with this situation on an area basis, but in some cases where we have such a hospital board there is no fairness at all. What is happening is that costs which never used to be charged to the local people are now to some 20 per cent being picked up by the local people and other costs are being maintained at a much higher rate because of the place that we're keeping people.

Vote 3002 agreed to.

Mr. Chairman: This completes the supplementary estimates of the Ministry of Health.

On motion by Hon. F. S. Miller, the committee of supply reported certain resolutions.

Clerk of the House: Mr. Stokes from the committee of supply reports the following resolution:

Resolved: That supply in the following supplementary amounts to defray the expenses of the government ministries named be granted to Her Majesty for the fiscal year ending March 31, 1977.

Hon. Mr. Meen: Could we dispense with the reading of this report?

(Reading dispensed with; see Appendix B, page 5476.)

Resolution concurred in.

Hon. Mr. Meen: Mr. Speaker I understand Her Honour awaits without, and is prepared to enter and consider certain bills.

The Honourable the Lieutenant Governor of Ontario entered the chamber of the Legislative Assembly and took her seat upon the throne.

ROYAL ASSENT

Hon. P. M. McGibbon (Lieutenant Governor): Pray be seated.

Mr. Speaker: May it please Your Honour, the Legislative Assembly of the province has, at its present sittings thereof, passed certain bills to which, in the name of and on behalf of the said Legislative Assembly, I respectfully request Your Honour's assent.

Clerk of the House: The following are the titles of the bills to which Your Honour's assent is prayed:

Bill 97, The Credit Unions and Caisses Populaires Act, 1976.

Bill 99, An Act to amend The Corporations Tax Act, 1972.

Bill 130, An Act to amend The Planning Act.

Bill 133, An Act to amend The Assessment Act.

Bill 136, The Corporations Information Act, 1976.

Bill 137, An Act to amend The Business Corporations Act.

Bill 138, An Act to amend The Corporations Act.

Bill 149, An Act to amend The Municipal Act.

Bill 150, The Regional Municipalities Amendment Act, 1976.

Bill 151, An Act to amend The District Municipality of Muskoka Act.

Bill 152, An Act to amend The Municipality of Metropolitan Toronto Act.

Bill 153, An Act to amend The County of Oxford Act, 1974.

Bill 154, An Act respecting The Municipality of Shuniah.

Bill 155, An Act to amend The Insurance Act.

Bill 156, An Act to amend The Motor Vehicle Accident Claims Act.

Clerk of the House: In Her Majesty's name, the Honourable the Lieutenant Governor doth assent to these bills.

The Honourable the Lieutenant Governor was pleased to retire from the chamber.

[4:00]

FUNERAL SERVICES ACT

Mr. Wiseman, on behalf of Hon. F. S. Miller, moved second reading of Bill 171, The Funeral Services Act, 1976.

Mr. Wiseman: Mr. Speaker, I would like to make a few comments about Bill 171. The bill provides for two types of licences; there is a professional licence for funeral directors and a licence for funeral services establishments. As far as a funeral director's licence is concerned, we have adopted the licensing provisions of The Health Disciplines Act, 1974. The bill does away with the licensing for embalmers as all funeral directors are embalmers.

Complaints against funeral directors and disciplinary matters against funeral directors will be handled in the same fashion as the health professions under The Health Disciplines Act; that is, by the complaints and discipline committees. Our experience seems to indicate that this system seems to work well.

The Board of Funeral Services—that is, the governing board of the funeral directors—has been increased to a seven-man board, five professionals plus two lay representatives. The board provides for the licensing of funeral services establishments. This will eliminate some of the problems the present board has experienced over the years. Funeral services establishments must have a funeral director. Each funeral establishment requires a separate licence. These are some of the noteworthy features of the bill.

I would also like to inform the members that I will be moving three amendments to the bill. The first will be to section 2(2)(a) of the bill, to strike out the words "at least". This will ensure that four of the five funeral directors of the Board of Funeral Services are of the management class of funeral directors, the fifth being an employee-class funeral director.

The other two motions deal with the corporations that are licensed to establish or maintain funeral services establishments. The change will require that each one of a majority of the directors of the corporation is a Canadian citizen or a resident of Ontario. These changes will come in section 24(3) and section 36(2)(d) of the bill.

Mr. Moffatt: Mr. Speaker, there are a number of things that need to be pointed out this afternoon with regard to this particular legislation. I think the first thing that needs to be pointed out is that this particular bill had first reading on November 26, 1976, and while over the past several years there has been a great deal of discussion in the media as well as submissions to cabinet and to various government agencies from a number of concerned groups about this whole business of better policing of Acts covering funeral services, the people in this party feel one of the things that needs to take place with this particular bill is that somewhere along the line the public need to know more about how this Act will affect them directly.

What I think we are attempting to do here is to make this legislation proceed through this chamber in far to hasty a fashion. We are concerned that we have memorial societies, to use an example, which are placed in the Ministry of Consumer and Commercial Relations as a responsibility, but if you read this bill you'll find that in no place in the legislation are those people allowed any sort of input into the continuing workings of this particular Act.

We agree with the stated purposes of the Act. In conversation with the member for Waterloo North, we feel that this particular Act will be a significant improvement over the existing situation. We give credence to that. There is no reluctance on our part. But we are concerned with section 2(2) which precludes taking part in any of this board by people from the public at large. There are two people shown there, but the majority will be funeral directors. The memorial society people at large who have a concern with this whole topic will have no way of having any sort of control over the way the Act is applied.

We're aware that there are a number of things which occur in a family at a time when a person might have recourse to such an Act. It is a time of emotional involvement. It is a time when people really can't make a number of rational decisions. We realize too that the majority of people involved in the professions which would be affected by this Act have an interest. The majority of them carry it out in an appropriate fashion and deal in a very humane way with the people who are concerned directly. But, Mr. Speaker, and I am sure you are aware of this, in every instance of a profession there are some people who bring discredit to the rest of their fellows. I'm sure that the member for Waterloo North would agree with me on this that there are some communities not served by people such as himself who have the interest of all of their community at heart.

What we are concerned with is that this bill, if it proceeds at this time as it is now set out, will have had no input at all from people other than those involved in the profession as a professional person. We don't think that in the interest of legislation that is the way we should proceed.

Mr. Worton: In the future.

Mr. Moffatt: There are a number of people here who may be customers earlier than I; I'm not sue about that. I am concerned in this particular bill that people who have joined memorial societies in the interest of planning for some alternate method of dealing with their remains at the time of death will have had no say at all in this legislation.

As I'm sure you're aware there have been articles written over the past several years by a number of people ranging all the way from Peter Worthington to the moderator of the United Church, and that's quite a disparity in views I might add. All of those people have put forward the case that there is need in our society for the option for those who choose to provide some alternate method and not necessarily be locked into a system which is completely under control of those people who professionally are trained and so on.

In this particular Act there is no provision for those people in a memorial society really to have any way in which they can get at the way the board is running. I think that's extremely important. What we propose is that, while we have no aversion to seeing this bill come in some form with suitable input from the public, we think the board should have a different make-up. We are not about to say that the board should be three from this profession and two from outside and nine from somewhere else because we haven't really had that kind of input as a party. I don't think the government has and I don't think the third party has. What we are going to propose this afternoon is a resolution which will give us that kind of input from the public.

Seconded by the member for Port Arthur, I am going to move that Bill 171 be not now read a second time but be read a second time four months hence.

As I said earlier, we are not opposed to the principle of the bill. The principle of the bill is to regularize and bring under a firm body of control all of this business and we think that makes some sense. Apparently the bill does align very strongly with The Health Disciplines Act and all those changes and it brings some sense in that fashion. What we think needs to be done is to have somebody co-ordinate the efforts of the Minister of Consumer and Commercial Relations (Mr. Handleman) and the Minister of Health because they are both dealing with the same people.

I don't know if they are dead or the people are dead but something needs to be done in order to get that kind of input. It's not enough to sort of put this one group apart and say, "You stay here and we will deal with you in this fashion, in a very legalistic way, and when you need the services, you will move to another ministry and deal with these people." As a matter of fact, my colleague from Parkdale has questioned whether The Funeral Services Act should be in the Ministry of Health at all because it represents failure. Maybe it should be with—

Mr. Reid: They bury their mistakes.

Mr. Moffatt: —the Ministry of Consumer and Commercial Relations.

Hon. Mr. Meen: The minister of everything.

Mr. Moffatt: Maybe that's where it should be.

Mr. Foulds: The Minister of Revenue.

Mr. Moffatt: I question whether that minister could deal with it. He has so many other things on his plate at this time.

I would urge members to support our motion, which would mean that the public from all sectors would have a chance to have input into this process. We would then have some way of finding out what the best ways of dealing with this whole question might be.

Mr. Speaker: I might say that this is a reasoned amendment but it does not appear on the order paper. It should. It must appear on the order paper before it can be accepted so that the motion is not in order for that reason. Under section—I think it's 32(b); no, it's 32(a)—it says, "Notice shall be given of a motion for a reasoned amendment to a motion for second or third reading, for a resolution, or address, for the appointment of any committee, or for the putting of any written question." It does not appear on the order paper and therefore it's not proper.

Mr. Moffatt: Mr. Speaker, with all respect, before I presented the motion I did ask the Clerk of the House if it was in order to move such a motion to hoist. I don't claim it to be a reasoned amendment because I don't think there are any instructions to change or alter the Act. It simply says the bill would not now be read a second time but would be read a second time four months hence. While I am not a parliamentarian as the member for Cornwall (Mr. Samis) might be, I would think that is not a reasoned amendment.

Mr. Speaker: While the debate continues, I shall consider it, but the next part says,

"Notices under this standing order are to be laid on the table before 5 o'clock p.m., and printed on the notice paper for the following sitting day." In my opinion it is out of order but I shall consider it while the debate continues and decide whether we should place it or not.

Mr. Foulds: On that point of order, Mr. Speaker, while you are considering it, might I ask you to consider seriously the difference between what we call a hoist motion in the House and a reasoned amendment? I believe the two are separate in practice, as I recollect. A hoist motion is acceptable at the conclusion of a speech and—

Mr. Speaker: I will take that under consideration.

[4:15]

Mr. Good: I would like to declare that I am a funeral director, licensed under the present Embalmers and Funeral Directors Act, and I would like to participate in this debate on the same basis that a school teacher would participate in a debate on legislation dealing with legislation of school teachers, that a farmer would deal with legislation dealing with the farm community, and that others in this House, such as lawyers, have in the past dealt with legislation dealing with The Law Society Act. Indeed, I recall that the member for Oxford (Mr. Parrott), who is a dentist, dealt with The Health Disciplines Act, and in my view made a great contribution by bringing in a very important amendment into the Act which only he as a dentist could bring the government to accept. That was back in 1974. I am dealing with this bill with a background of some knowledge of it and, as a legislator as well as a funeral director, I hope to bring a little information to the House regarding this bill.

First, I would just like to say by way of background that there has been legislation—I think starting back about 1914—regulating certain aspects of the funeral business in the province of Ontario. The present Act, which is still in effect, I believe was introduced in the early 1940s; it was one of the last acts of the then Hepburn government before it went out. Finally, some 30 years later, we have one of the last acts of another government in this session, and who knows what the future might bring or what the omen might be in that particular instance.

The Minister of Health (Mr. F. S. Miller) has been trying to bring this legislation before this House for over five years. I believe it was when the hon. member for Scarborough North (Mr. Wells) was Minister of Health, that he first realized the necessity to update our legislation regarding funeral services in the province of Ontario. It has been a long, tough job trying to bring in a bill which would suit the needs of the province of Ontario, both in regulating the funeral directors' practice and in protecting the public interest. There were other issues at the time which seemed of paramount importance, notably the potential taking over of funeral service in Ontario by foreign investment. Happily this did not materialize.

I think this is good legislation. Administered by a Board of Funeral Services, it will not only regulate the funeral service, but protect the public interest. All ethical funeral directors in the province are concerned that the public interest is protected. Unfortunately—perhaps it is part of our own problem—there has not been over many years much communication between the business and the public at large. I think those people who have had constant contact with the funeral business, such as clergymen and what not, perhaps realize better than anyone the work that has gone on by this particular group of people in the province.

The first particular part deals with the establishment of a Board of Funeral Services, not unlike the present board, which is composed of five members, one of whom is a person not licensed under the Act, or a lay person. This Act suggests that the board be composed of seven persons, five of whom would be licensed; one of those five would not be an owner or a manager, and then there would be two lay persons. The purpose for having the two lay persons, of course, is to protect the public interest.

Let me say that the notion that there should be overwhelming representation on the board by unlicensed persons could lead to falling into a rather unusual predicament. I am told, and I have looked into this very thoroughly, that 90 per cent of the work done by the present board is of a technical nature; by that I mean the establishment of standards, the establishment of examinations, the conducting and supervision of those examinations, the marking of papers and things of that nature, which must be done by people who are well versed and knowledgeable in those matters.

The matters of complaints regarding embalming, the shipment of bodies outside the province, the funeral director's relationship to The Public Health Act, The Cemeteries Act, The Coroners Act, The Prearranged Funeral Services Act and The Vital Statistics

Act, all of which very closely supervise and govern the operation of funeral service in the province of Ontario—these are technical matters which must be dealt with by a board which is knowledgeable and has had a background of experience in the funeral service business. There must, of necessity, be lay persons on that board so that the public interest can be looked after and dealt with.

The proposal would indicate that the lay persons' major duty would be to sit on the complaints committee and the discipline committee of the board. The board is made up of seven, and I would like to draw some comparisons with other boards that have been established previously.

I checked the record. There was unanimous agreement in the Legislature by all parties when the boards were set up under The Health Disciplines Act and the ratio of lay persons on those boards is very similar, if not, in some instances, fewer in proportion than on this particular board. The dentists, with a nine- to 12-man board, have three to five lay persons, which is about 33 per cent. The doctors, with a 17- to 23-member board, have four to six lay persons, which is about a 23 per cent representation. Nurses, with 24 to 32 personnel on the board, have a six-to-eight representation of lay persons, which is 25 per cent. Optometrists have about a 30 per cent lay representation; pharmacists about a 23 per cent representation. The funeral directors bill, as it is now drawn up, calls for something just under 30 per cent lay persons' representation on the board.

I think it is logical and fair to assume there must be lay person representation on the board, but there certainly could not be an overwhelming group of lay persons because the burden of work of a technical nature carried by the board, as I had iterated previously, would certainly be overwhelming for two or three licensed personnel.

The public interest, of course, is protected by the establishment of a complaints committee and a discipline committee. Before we deal with that, I think it is important that I read from the Act a few of the objects of the board and they are these: "To regulate the practice of funeral directors in accordance with this Act and the regulations." That is a much broader concept than in the previous bill. This provides for the regulation of both the business and ethical practices of all persons licensed under the Act—"to regulate funeral services establishments in accordance with this Act and the regulations."

Previously, the old Act provided only that a licensed funeral director could be regulated. Under the new Act the establishment will also be licensed, so that it will be possible, under severe disciplinary action, not only to take away the licence of the funeral director but also to take away the licence of the establishment, which is a very serious course of action that could be possible. That type of sanction, of course, would effectively put a funeral director right out of business.

Also, another paragraph says, "to establish, maintain and develop standards of professional ethics among funeral directors and funeral service establishment licensees." This means every funeral director in every establishment must be licensed under this Act and there will be developed a standard of professional ethics. We have a code of ethics in the funeral service business from our association, but, unfortunately, not all funeral directors belong to the association. So this particular section would now bring under the umbrella of a code of ethical practices all persons engaged in the funeral business.

The board is required to establish four committees: an executive committee made up of three persons with one of whom must be non-licensed; a licensing committee, three persons with one non-licensed; a complaints committee made up of three members of the board, one of whom is non-licensed; and a discipline committee of three persons, one of whom is non-licensed. It is a condition of this bill, as it was with other legislation dealing with the other services under The Health Disciplines Act, that the lay person sitting on the complaints committee may not sit on the discipline committee. In fact, no member of the complaints committee may sit on the discipline committee. So we have a situation where those dealing with a complaint will not then pass judgement if the matter goes to the discipline committee, which I think is very fair.

It should also be pointed out here that while the funeral services establishments themselves are responsible for payment of members of the board on a per diem basis, the lay persons sitting on the board will have their per diem and expenses paid by the government. So that there could be absolutely no thought or even implication of conflict of those persons sitting on the board in that they were beholden to anybody. They are there as representatives of the public on the board, which I think is very commendable and a good idea.

There is provision in the Act for a board of inquiry made up of three members of

the board, one of whom would be non-licensed who can look into matters dealing with an incapacitated funeral director, who it would be best not to permit to continue to serve the public. This is standard in the other legislation, too, where there can be a method to remove from service to the public those persons who are not competent.

The Funeral Services Review Board is established here, which is something new. I think it is of great significance and should go a long way to allay the fears that had been expressed by the former speaker. The Funeral Services Review Board is made up of three to seven members who will be non-licensed persons or persons not engaged in the public sector of the province. This review board acts as an appeal board to complaints that have been put before the complaints committee. Either the complainant, or a funeral director against whom a complaint has been made—if either party feels that the complaints committee has not dealt justly with that complaint, then the Funeral Services Review Board will review that particular decision. The Funeral Services Review Board can also deal with matters that have been before the complaints committee for 60 days and have not been dealt with.

What fairer system could there be where a complainant, whether a member of the public or a funeral director against whom a complaint has been made, who is not satisfied with the action being taken by the board, has a procedure where an appeal can be made to a public body on which there will be no civil servant representation and there will be no one on that public group representing licensed funeral directors? To me, that is eminently fair, it is the ultimate in appeal and looking after complaints. This is taken right out of The Health Disciplines Act and is common to all of them. Delays of 60 days by the complaints committee in acting on complaints can result in action by the review board.

I think it is interesting to note some of the powers of the review board. After the hearing the review board may, "confirm the decision, if any, made by the complaints committee;" or, "make such recommendations to the complaints committee as the review board considers appropriate;" or, "require the complaints committee to take such action or proceedings as the committee is authorized to take under this Act."

So we find that there is a good procedure in this bill, as there is in the other health disciplines, to deal with complaints, both by the professionals within the group or by the public at large. And for these reasons I certainly feel that the public interest is well protected, which is the real basis of bringing in a new Act. The old Act had its shortcomings; it has been with us a long time. There were certain punitive sections in there which were practically meaningless. The board did not have the necessary sanctions to deal properly with its own members. These have certainly been increased and improved.

[4:30]

I would like to just also draw to the attention of the House the powers of the discipline committee. While I won't read what all the powers of the discipline committee are, I would like to say that the discipline committee now has powers to revoke a licence, which it had before, to suspend a licence and impose restrictions. The important part is subsection (e) which now gives the discipline committee power to impose such fines as the committee considers appropriate to a maximum of $5,000, to be paid by the funeral director to the Treasurer of Ontario for payment into the consolidated revenue of the province.

I'm sure some members in this Legislature will remember this as the amendment we fought until two o'clock in the morning to get into The Health Disciplines Act so that the dentists would have power to deal with their particular members in that manner. It was a very important amendment.

Mr. Conway: That's why the member for Oxford is smiling.

Hon. Mr. Parrott: It's good legislation, that is why.

Mr. Good: The member for Oxford played a very important part in getting that particular sanction in as a power of a discipline committee dealing with a group. I think it is most important.

Mr. Conway: No doubt he did.

Mr. Ruston: The party didn't agree with him.

Hon. Mr. Meen: Something you can really get your teeth in.

Mr. Good: We were very indebted to him for helping our cause of getting the Minister of Health (Mr. F. S. Miller) to accept that amendment. Every body, except that under The Law Society Act, has power to fine its members and turn the money into the consolidated revenue of the province.

Mr. Ruston: We got to fix them too.

Mr. Good: I think we are going to have to do something about that, Mr. Speaker.

Mr. Samis: Unanimous consent.

Mr. B. Newman: With the dentists or the lawyers?

Mr. Good: I don't want to overdo this. I know. Unfortunately—

Mr. Conway: Even the legal profession.

Mr. Good: —The Law Society Act still allows the Law Society to assess costs against its members as a punitive measure. In my view and in the view of any group which wants to deal with its own members must do so with moneys provided by others in that group and not with set costs against that particular person. I think a fine is what should be made and that money should not go to the benefit of the group concerned but into the consolidated revenue of the province. That is a great step forward, in my view.

There is an appeal on the discipline committee's action to the Supreme Court, and this, of course, is in all other legislation.

There are sections which say that no person shall act as a funeral director and no person shall establish a funeral home except under authority of a licence under this Act. I think this is important. It's the only way there can be control over the actions of those who are holding themselves out as funeral directors.

When we get to section 24, I'm very pleased that the parliamentary assistant has indicated he will bring in an amendment which meets the objections of many. I suggested to the minister last week when this bill was first introduced that this particular amendment should be in here. I am pleased to see that they have consented to bring it back. The amendment has simply to do with when a corporation is the funeral home owner. When the owner is a corporation, the Act now states that one member of the directors or one director of the corporation must be a licensed funeral director but the amendment proposed will also indicate that the majority of the directors must be Canadian citizens.

I'd like to give members a little background on this. The present Business Corporations Act of the province of Ontario, section 122, requires that the majority of the board of directors of a provincially-chartered corporation shall be resident Canadians. We require this in any business incorporated with a provincial charter. Those incorporated federally have the same requirements. The federal Corporation Act requires that the majority of the directors of a federally-incorporated company be Canadian citizens. There is one minor exception when a federally-incorporated company contributes, I think, less than five per cent of the profits of the parent company; they are excused.

In my view, the only way to control extra-provincially incorporated companies doing business in Ontario is to require them to do their business through a Canadian subsidiary which would have a majority of Canadian shareholders.

I personally feel that corporations owning funeral homes in Ontario should do so from a Canadian-based subsidiary company and not from a head office in some foreign country. We presently have two US corporations which own funeral homes in Canada and each of these is operating in the province of Ontario. Briefly, Mr. Speaker, one is IFS, which is International Funeral Service Incorporated, with head office in DesMoines, Iowa. They own 15 funeral homes, I understand, and they conduct their Canadian operation, including their Ontario operation, through a subsidiary called Canadian Funeral Management Incorporated, and they have a majority of Canadian directors on their board of directors and feel that this is how their Canadian operation should be run. I feel that's how it should be done, and fortunately that particular company is doing it that way, because I personally feel there is some difference in the way the funeral service business operates here in the province of Ontario and the way it operates in some sections of the United States.

The other company, though, SCI, Service Incorporated International, based in Houston, Texas, its Canadian operation is run by a computer hookup with its head office in Houston, Texas, and I just don't think that's good enough. I feel it would be no great hardship for them to form a Canadian subsidiary with a majority of Canadian directors. I think that I'm only one of many who feel that this particular service business of an intimate nature should be operated at least by a subsidiary with a Canadian board of directors. Because of this, I am certainly pleased that the minister has seen fit to bring these amendments into the bill as I had suggested to him when I first saw the bill.

There are a few other things I would like to say, Mr. Speaker. One thing that I think will be of interest to the lawyers is that previously the funeral directors in the province of Ontario had the shortest statute of limitation of any particular group. In other words, according to the old Act if you wanted to bring

a civil suit against a funeral director you had to do it in three months or the statute of limitation had expired.

Mr. Reid: Or they wouldn't bury you.

Mr. Good: This will now be changed and the Act will now read, "unless such actions commence within one year from the date when the person commencing the action knew or ought to have known the fact or facts upon which the alleged negligence or malpractice" and so on.

I take some good-natured ribbing from some of the lawyers in our caucus over this three-month statute of limitation period, and I said well, really, you don't need it at all because I don't know of any instance where a funeral director has been sued for malpractice or for misconduct of that nature.

Mr. Reid: You just bury your mistakes, that's what.

Mr. Good: There was one potential suit, I understand, which was settled out of court.

Mr. Reid: How much did it cost you?

Mr. Good: So there never has been in Ontario a court action against a funeral director for negligence or malpractice. So the lengthening of the statute of limitation period is good.

I would like to say just a few words about the opposition that has arisen to this bill from the memorial societies. The memorial societies are a group in the province of Ontario that have established themselves in most major cities. Their main function appears to be to convince people that our present type of funeral service should not be offered to everyone and they do promote a type of service which is not a funeral service but simply a matter of disposing of the body. This they call Plan A, and I would like to say a few words regarding some of the telegrams which I have received.

Mr. Conway: Is there a Plan B?

Mr. Good: There is, in fact, a Plan B—

Mr. Samis: Tell us about it.

Mr. Good: —and a Plan B, to bring you up to date, consists of Plan A plus a memorial service at a later date.

Mr. Conway: Is that the layaway plan?

Mr. Good: Let me say this—

Mr. Edighoffer: Order.

Mr. Good: —I can assure this House that there is no area in the province of Ontario where the services of a funeral director are not available to meet the needs of the members of the memorial society in the manner in which they want to be served.

Mr. Foulds: That's a pretty sweeping statement that you won't be able to back up in fact.

Mr. Good: I can back that up in fact and I will go further, Mr. Speaker, to say this, if it can be proved there is a funeral home in the province of Ontario that has not served a family in the manner in which it wants to be served, no matter how minimal that service would be, I would like that particular memorial society member or the memorial society in that area to report that matter to our present board which will deal with it.

The facts of the matter are simply these, that in the 15 years the controversy has been going on there is only one instance of one specific complaint against a funeral director by memorial society members. This was a matter which dealt with additional charges for removing the body from Toronto to southwestern Ontario for burial, which the person who belonged to the memorial society thought was included with his payment for the disposal of the body.

I feel badly that we must meet these complaints in a public forum. I have telegrams here from the various memorial societies around the province. I would like to simply read one to give members the gist of what the problem seems to be:

"On behalf of 2,000 members of the Hamilton Memorial Society, I would like to inform you of our dissatisfaction with Bill 171, due for second reading in the House on Tuesday, December 7. The proposed changes to The Embalmers and Funeral Directors Act include a seven-person Board of Funeral Services, five of whom must be members of the funeral industry. This continued self-regulation of the funeral industry is completely unacceptable since it is not in the consumer interest. We urge you to defeat Bill 171 and to give serious consideration to a board that would include a majority of consumer members. This is the only way to ensure a fair hearing for complaints regarding the funeral industry in the province of Ontario.

"Yours sincerely, Joan Marshall, director, Hamilton Memorial Society."

I would ask Mrs. Marshall to indicate to someone, to the present board, how many complaints they have lodged against funeral directors in the province of Ontario. You will find, Mr. Speaker, that there have been none.

I would also invite those members of the memorial society to tell our board the names of funeral homes which have refused to serve them in the manner in which they want to be served, which is a disposal of the body, in most cases without any type of service. Anyone in the province of Ontario who does not wish to have the functions of what we call a normal funeral service does not require them. There is no law in the province which requires embalming, unless that body is going to be held for a certain number of day for a public funeral. Then it comes under The Public Health Act and one would have to get authority of the local medical officer of health to keep that body unembalmed.

There is no law which says a body has to be embalmed if it's going to be buried or cremated within a reasonable length of time before it becomes a public health hazard. Funeral directors are aware of this. I know of no instance where there has been a complaint to the board by people who have not been served in the manner in which they wish to be served.

The other telegrams I have received dealt with exactly the same type of thing. The indication in the telegrams seems to be that there have been complaints and they have not been fairly dealt with. The present registrar and the present board would sincerely like to know what those complaints are against the funeral service business.

Mr. Samis: This sounds like a free-time political announcement.

Mr. Good: All right, maybe it is.

Mr. Conway: Give it to them.

Mr. Samis: I am listening, don't worry.

Mr. Conway: Let's bury the NDP.

Mr. Good: I feel badly about this criticism of this particular branch of business and that these critics have been so vocal. I just wish they would back up their verbal criticism with facts and names of funeral homes in the province which have not dealt with people properly. Mind you, I'm not saying there aren't any; but as yet facts have not been given to our present board.

There is on an average about one complaint a month before our present board dealing with funeral services. By and large they are not complaints of people against the funeral director, the public against the funeral director, they are complaints where the funeral director has contravened the present Act. In other words, he's maybe running a branch without a licensed person, or he has done something in contravention of The Prearranged Funeral Services Act, which is something which is relatively new in the past 10 years. Any moneys collected on prepaid funeral services come under that particular piece of legislation.

[4:45]

I am thoroughly convinced, as one who conscientiously feels that the public interest in all areas must be protected, that this bill is a much better vehicle to protect the public interest and regulate the funeral service industry in the province of Ontario than was the previous bill. I would sincerely ask for support of this bill from all members of the House.

Mr. Speaker: Before we proceed I should clarify the matter which I took under advisement a few moments ago. I find that this is not a reasoned amendment but just an ancillary motion or what is sometimes known as a hoist motion and therefore is in order as is. I'll place it before we go further.

Mr. Moffatt moves that Bill 171 be not now read a second time but be read a second time four months hence.

Since I have to inform the House before 5 o'clock about this matter I shall do so now. I beg to inform the House that in accordance with standing order 27(g) the hon. member for Bellwoods (Mr. McClellan) has filed the necessary notice that he is dissatisfied with the answer given by the Minister of Health (Mr. F. S. Miller) to his question concerning the implementation of the Willard report. This matter will be debated at 10:30 this evening.

Do we have another person who wishes to speak on this bill? The member for Port Arthur.

Mr. Foulds: Thank you, Mr. Speaker. At the risk of arousing the catcalls of other members of the House, I do feel somewhat ill-prepared for the debate. I think that speaks to the point raised by my colleague the member for Durham East (Mr. Moffatt) and the point made to me on the weekend in an astounding number of cases; that is the bill is being unduly rushed through the House, I think. The member who has just spoken said it has taken the Minister of Health five years to bring forth this piece of legislation.

If that is the case, why was it necessary for the bill to be placed on the order paper for the first time so that we saw its actual con-

tents on November 26? After it is in legislative form none of the consumers or consumer interests of the province has the opportunity to comment on it in its final legislative form. That is one of the reasons I wholeheartedly support the hoist motion.

If that hoist motion does not pass, if it is not accepted either by the Liberal Party or by the Conservative Party, I would very seriously plead with the parliamentary assistant to withdraw the bill temporarily so that those people who are concerned about certain sections of the bill have an opportunity to make their representations to the minister, to the Premier and to him, and that we bring the bill back within the first week or two of the new session of the House. We do not want to obstruct the bill unduly and we do feel there are improvements which have occurred but there are some very serious limitations to the bill.

I want to say at the outset that the only direct personal experience I have had with a funeral director and a funeral home was on the death of my father some three years ago. That experience was entirely satisfactory, and I have no personal axe to grind against funeral directors or funeral homes. That was the route my family chose to take at that time and that was quite a satisfactory route as far as we were concerned. I think that choice should be available to as many people in this province who want to make it. I also submit to members that this bill unduly limits the choice of those people, particularly those people in memorial societies, who want to have a more simple service and disposal of the body.

Mr. B. Newman: In what section?

Mr. Foulds: Section 5. I was astounded on the weekend at the number of calls I received from people who had just heard of the bill and it brought my attention to the kind of things that happen in this Legislature even in the days of minority government. With the best will in the world, with the rush to accomplish business by the closing of the House, we sometimes overlook the major concerns of people in the province.

I was deluged with phone calls in my constituency office and a very unusual thing happened—I had people coming to my home on Sunday evening to express their concern. The memorial society people in Thunder Bay hurriedly put together briefs and letters which they sent through the courier service of my colleague, the member for Fort William, who left on a slightly later plane than I did to come here to Toronto.

One of things I want to underline is that people in memorial societies are, by and large, rational, articulate people who have no disrespect to express against the process which exists and which they would like to see possibly implemented. The phrase one of those people used to me was that the bill was going to bé "rammed through the House." I was surprised. I had looked at the order paper and looked at the bill but hadn't been fully aware that that was the piece of legislation being processed. I'm very glad I was alerted to that danger.

I would like to read into the record, if I might, copies of a couple of letters forwarded to me, which were sent to the Premier and to the Minister of Health. I think they outline the concerns certainly of the people who belong to the memorial society in Thunder Bay. The letter is dated December 3 and addressed to the Hon. William Davis.

"Dear Mr. Davis,

"Re proposed Bill 171, The Funeral Services Act, 1976.

"Please don't, whatever you do, don't let Bill 171 pass until you have given yourself and your cabinet time to understand how gravely you would displease over 30,000 Ontario citizens who have joined memorial societies and thousands of others preparing to join. Give yourself time to revise it, to provide adequate, effective, consumer representation. Don't listen only to your present board of administration, packed with funeral directors. Profit by the studies of lawyers Neilson and Watkins in Ontario, Dr. Gosse for the government of British Columbia and the Federal Trade Commission in the United States. Learn why Ontario Funeral homes should be forbidden to embalm bodies before receiving family instructions and obliged to quote prices when requested.

"Mr. Davis, memorial society members are voters—teachers, doctors, lawyers, professors, nurses, clergymen, engineers, as well as people in humble callings. Their common denominator is that 92 per cent of them, recording their funeral choices on society forms, while in good health, free of grief, in consultation with spouses or next of kin, choose simple disposals at modest or low cost.

"Unless they own a grave plot, they usually opt for cremation, no embalming, cosmetology or open casket viewing. Most believe that a memorial service held after their body has gone to the cemetery will celebrate the life that was lived as well as, if not better than, a service with the dead body present. They believe that the amount spent on a

funeral should never be taken as the measure of a person's love, honour or respect for the dead.

"What happens when people seeking simplicity go to the Ontario funeral directors who naturally like to sell costly caskets, embalming and viewing? We hope you've read the seven-page brief mailed to you on December 2."

I say that I'm sure the Premier hasn't read that seven-page brief and I believe the parliamentary assistant probably has not yet had an opportunity to read that seven-page brief. Until that kind of material is viewed by the government I don't think the bill should proceed.

The member for Waterloo North asked for examples of offences and although there may not be any legal offences, it is very difficult for a person to get a quotation from a funeral home in advance of the—well, I have a letter right here which I will read into the record and I will be delighted to send it to the board.

It was sent on November 30, 1976, from the Blake Funeral Chapel in Thunder Bay to Mr. Eric Gowen, president, Memorial Society of Thunder Bay, PO Box 501, Thunder Bay F, Ontario, and it reads:

"Acknowledging your letter of November 22, 1976, and your request for pricing of your type A and B services, we are prepared to discuss these with the families only at the time of need or as a pre-arrangement, and can assure you that they will be competitive and to the satisfaction of the family for the service they request. At no time was any price given to your society by our firm." That was a reference to some previous controversy between the parties there.

The letter to the Premier goes on: "A few firms philosophically and courteously supply simplicity at low cost." They agree to that point, that there are some firms that do that. "For example, Mr. Paterson of William Speers Funeral Home, Toronto, while carrying on his normal business, has pleased hundreds of bereaved with simple disposals at $160 or $170. How we wish we had one like him in Thunder Bay! Here the prices quoted verbally to memorial society representatives early this year were Everest Funeral Chapel Limited $225; Jenkins Funeral Home, $265; Blake Funeral Chapel Limited, $325; Sargent and Son Limited, no quotation. The Blake $325 is no longer reliable." That's because of the letter that I just read.

"When on November 21 a CNR employee had died and I was asked to accompany his widow, son and daughter while they arranged for a simple disposal, to be followed by a memorial mass at St. Agnes Roman Catholic Church already promised by the priest for November 23 without the body present, the man in Blake's office, a Mr. Salini Jr., stated a price in excess of $500 for a simple disposal! It was the highest I ever heard of. Would you please note in the Blake letter the conditions under which this Ontario monopoly-protected funeral director will divulge his prices?" He goes into referring to lengthy articles in the local press that I won't refer to.

"It is a real regret that such a letter as this must be written to you. Don't proceed with Bill 171 until it is altered.

"Yours truly, Eric Gowen, President, Memorial Society of Thunder Bay."

The letter to the Minister of Health is somewhat briefer. I hesitate to read parts of it, but I will read it in its entirety.

This was also signed, I should make it clear at the outset by Eric Gowen, president of the Memorial Society of Thunder Bay.

"Re proposed Bill 171, Funeral Services Act.

"My claims on your attention are that I voted for James Jessiman in the last Ontario election"—I am not sure that that's a valid claim for anybody's attention, but the person says it—

Mr. Ferrier: He shouldn't be bragging about it anyway.

Mr. Foulds: —"that I lived in Ontario for 68 years."

Mr. Deputy Speaker: It is not a part of this bill either.

Mr. Foulds: That's not my fault. I am just quoting the letter that this gentleman has sent to the minister, which I am sure he has not yet had an opportunity to read.

Mr. Ferrier: He doesn't have the same courier service that you have.

Mr. Foulds: That's right.

Mr. McClellan: Was it in a brown envelope?

Mr. Foulds: This was a public white envelope carried by my colleague, the member for Fort William: "—that I have lived in Ontario for 68 years that I am president of the Memorial Society of Thunder Bay and that I am public relations officer of the Memorial Society Association of Canada.

If indignation should blow me into a thousand pieces, each piece probably would rise up and protest your proposal of Bill 171 in its present form.

"Are you unable to see that if it were passed, Ontario's funeral directors, with some notable and appreciated exceptions, would continue the same abuses of their privilege of self-governing monopoly as they have under the 1970 Act? They were drawn to your attention in the six briefs to your ministry of the Memorial Societies of Ontario in October, 1973, soon after the publication of the Neilson-Watkins report. Did it not commend itself to your intelligenec at that time?

[5:00]

"Those abuses have not gone away. They include embalming without awaiting family instructions, withholding prices until people are in the grief and shock of bereavement, failing to display or stock a lowest-cost casket or cremation container, misrepresenting embalming as being essential for public health reasons. (Physicians J. R. Augustine and Neil McLeod on the advisory board of the Memorial Society of Thunder Bay have told its members that embalming serves no public health purpose, yet defenceless people in grief in Ontario and elsewhere are told otherwise by some funeral directors.)

"Are you informed as to memorial society aims and objects? In case the funeral directors to whom you have listened have persuaded you that our members are merely after cheap funerals, I attach one of the AIMS pamphlets they read when joining so you may know better. At the present rate of growth there will soon be 40,000 Ontario members. On their behalf I must ask questions about some of the clauses of Bill 171 and make comment as attached. Your answers will be appreciated.

"In the meantime, you are requested not to proceed with Bill 171 until you have read our brief mailed to Premier Davis on December 2 and the subsequent letter, and informed yourselves more fully.

"Yours truly, Eric Gowen, President, Memorial Society of Thunder Bay."

I would like to point out that the people in the Memorial Society in Thunder Bay only got word of the bill being on the order paper on Thursday of last week.

Mr. Good: What is wrong with their member?

Mr. Foulds: As a matter of fact, I didn't make any bones about that. I pointed out that I was not aware when I started to speak that the bill had been placed for first reading. I am sure not all members present know right now all the bills that have been placed for first reading on the order paper. Some of those things escape us from time to time.

Mr. Ferrier: We weren't consulted by the minister like you were, Ed.

Mr. Ruston: Thought you had top research.

Mr. Foulds: These people in that very brief period of time got together a letter with an attached petition. It is addressed to myself and to my colleague, the member for Fort William.

"Re Bill 171. Please find enclosed a copy of a letter of protest from concerned citizens in Thunder Bay to Premier Davis requesting that he postpone the second reading of Bill 171 for further consideration.

"Also enclosed is a copy of a letter sent to the Hon. F. S. Miller, Minister of Health, asking for his assistance in this matter."

The petition reads as follows:

"Hon. William Davis, Premier of Ontario, Legislative Buildings, Queen's Park, Toronto.

"Dear Sir:

"We, the undersigned, do protest the hasty passage of Bill 171. We ask you to postpone the second reading for further consideration. We believe this bill is not in the best interests of the people of Ontario. We also ask you to change the provisions of the bill so:

"1. That more than half of the members of the administrative board are consumer representatives rather than funeral directors;

"2. That it will not become illegal for persons other than funeral directors to offer advice on funeral planning;

"3. That funeral directors may not proceed with embalming without authority from the next of kin;

"4. That funeral directors may not misrepresent that embalming is necessary for public health reasons;

"5. That funeral directors are required to quote prices on request;

"6. That funeral directors are required to have available to consumers at all times a minimum-cost casket or cremation container."

That letter is signed by 109 different signatures; some are couples' signatures, although both parties have not signed, but there are 109 signatures. Coming from Thunder Bay alone, that seems to me to be a significant protest and a significant reason why the parliamentary assistant should over the sup-

per hour consult with his minister and possibly take our suggestion on the bill.

There is just one individual letter that I have received; it's a copy of a letter that was addressed to the Premier, dated December 4.

"Dear Mr. Davis:

Please hold your horses on Bill 171 until its provisions are more consumer-oriented. I understand that the bill in its present form allows funeral directors to police their own industry and that it makes it illegal for anyone else to give advice to bereaved families. I strongly feel that the Ontario government should protect the consumer rather than an industry which is already regarded as one of the 'rackets' of society.

Yours very truly, Herman J. Dost."

I want to make it very clear, Mr. Speaker, that all of those comments are not necessarily endorsed by myself, but I wanted to put them on the record of the House as being legitimate concerns by the constituents in my area. I also want to put on the record of the House the very grave concern I have as an individual member of the House that the bill is being rushed through. I think it's worth taking note of some of the public discussion that has taken place over the last number of years about the whole business of funerals and their high costs and the consumer-oriented style of funeral service—which is what this bill deals with—that has come to be accepted.

It seems to me that we have to raise a couple of basic questions. There are a number of questions that we will raise in the clause by clause as they are necessary, but the church, from the Anglican church through the United church, Presbyterian church and Catholic church, have all made comments about the legitimacy of simple funeral services, and I need not get into that today. I suppose what I want to ask in a philosophic way in a matter of principle—and we don't come to grips with that in this debate; certainly the parliamentary assistant didn't in his opening remarks, nor did the apologist for the funeral industry of the Liberal Party—is why no person except the funeral director should be allowed to engage in the activity of disposing of a human body? That's what we're discussing when we're discussing matters of principle. Why is it? Surely the public interests that need to be protected are only threefold.

Mr. Gaunt: You could look after your own. You don't need a funeral director to do that.

Mr. Wildman: We're not talking about beef.

Mr. Ruston: How about allowing anyone to teach?

Mr. Foulds: Are you going to speak on the bill? I'll be glad to listen when you do.

Mr. Deputy Speaker: Order, please. Will the hon. member for Port Arthur direct his remarks to the Chair?

Mr. Foulds: Not only to the Chair, Mr. Speaker, but to yourself as well in the chair.

Mr. Deputy Speaker: They are one and the same by the way.

Mr. Foulds: If I might divert for a moment, I thought you were far more animated than the Chair.

There are only three basic principles. Surely health must be protected; surely safety of the community and surely dignity of the person who has died and the family must be protected. I see no philosophic reason and, in fact, no pragmatic reason, why only a funeral director can deal with those three things of public interest that must be protected. As long as that happens, I see no reason why a person who is knowledgeable, such as a person who may be a member of a memorial society or in remote northern Ontario communities where there are no funeral directors—

Mr. Wiseman: Have you read the bill? It's in there.

Mr. Foulds: I'd be glad to cede to the parliamentary assistant to correct me on a point of principle here, Mr. Speaker.

Mr. Deputy Speaker: You can't do that. On second reading, once you've finished speaking, you've finished speaking.

Mr. Foulds: All right.

Mr. Wiseman: Read the bill.

Mr. Foulds: As I read the bill, section 5(1) says "no person shall engage in or hold himself out as engaging in providing or directing the providing of funeral services or funeral supplies or both to the public unless he is licensed as a funeral director under this Act."

Mr. Wiseman: Subsection 4(c)?

Mr. Foulds: Section 5(4)(c)—do not apply "in a sparsely settled area where a funeral director is not available." Well, hot dog! Good for you! But still—

Mr. Wiseman: What about Toronto?

Mr. McClellan: I told you you hadn't read it.

Mr. Ruston: You should have read the bill first.

Mr. Foulds: That is one of the things that's involved in this whole debate—

Mr. Good: Promoting a special interest group—that is all you are doing.

Mr. Foulds: The bill was presented last week; you get it up for second reading this week, unless we speak at considerable length. We have people trying to read the bill and leading the public mind on it, so we get into this bind. I think it is one that we should take note of.

I frankly don't mind embarrassing myself, if I accomplish the aim of getting going a legitimate informed debate following me, Mr. Speaker.

Mr. Ziemba: It is still a red herring. It doesn't apply to northern Ontario.

Mr. Foulds: It doesn't apply to Thunder Bay. How do we define in the Act a sparsely settled area? Those are questions that arise about the regulations. I hope the parliamentary assistant will have answers to those very real concerns.

I've been urged by my colleagues not to stop, so I will delve into some more material.

No, in conclusion, I think sufficient concerns have been raised about the principles in the bill, about the makeup of the board, about the legitimacy of the complaint procedure—legitimate concerns that may be answerable—that we should deal with before we pass this bill on second reading. I think that those concerns must be dealt with frontally. I think that they must satisfy all members of this House before we in this parliament are ready to agree to a second reading. Therefore, I would commend to you and to the other members of the House, the hoist motion that was proposed by the member for Durham East and seconded by myself.

Mr. B. Newman: I wanted to make a few comments concerning this bill, primarily because all of the seven funeral homes in the city of Windsor are actually in my own riding. I've had the opportunity of visiting each one of them over the weekend and getting some of the thoughts and concerns of some of the funeral directors who did look at the legislation and as a result expressed their concern to me.

All seven in the community, I would say, are of extremely high calibre. You've got a place such as Janisse Brothers, that have been in the business for generations. One certainly couldn't criticize them by any stretch of the imagination for the type of service they have performed in the past. You've got Marcotte's, another family that has been in this type of service for years and years—

Mr. Ferrier: Bernie, which one do you recommend?

Mr. B. Newman: You have the Windsor Funeral Home. That one is now located on a playground that I had developed in my earlier days when I was coaching the fine sport of gymnastics for both boys and girls. As a result—

Mr. Germa: They are burying their mistakes.

Mr. B. Newman: —of the many hours of practice we have spent in the area the funeral home people thought it was a nice place to put up the service that is there today—the Windsor Funeral Home. You have Kelly's, a long-established business, you have Morris's, and you have Sutton's—

Mr. Foulds: Does that tell you something about the riding?

Mr. B. Newman: So you can see, Mr. Speaker, I've named seven, and all seven are in the great riding of Windsor-Walkerville. Oh, I forgot Anderson's—one of the other long-established and probably the largest of the lot.

Mr. Foulds: You won't get a donation from them.

Mr. Germa: Are you looking for donations?

Mr. B. Newman: And they're ready to take any one of you fellows, even now—

Mr. Speaker: Order please.

Mr. B. Newman: —and they will give you the type of service you ask for.

[5:15]

Mr. Riddell: They are the last people to let you down.

Mr. B. Newman: Mr. Speaker, several of the funeral directors in the community were concerned and as a result, from what I understand, sent a telegram to the minister or to the member who is going to pilot the bill, asking for consideration. They were essentially concerned with section 5 of the bill and how it applies to them in relation to not having a licensed individual who could also

be the owner of the establishment, answering the telephone and making arrangements for services.

For example, they could get a call about someone from the city of Windsor who had passed away during a vacation period, say, in Florida, Arizona, or California. Naturally, very few funeral homes could have or would have someone on duty at the home for 24 hours a day. Most of them in the city of Windsor do have someone on duty but the person on duty is not necessarily licensed.

They are concerned about section 5 of the bill, subsection 1, which says, "No person shall engage in or hold himself out as engaging in providing or directing the providing of funeral services or funeral supplies or both to the public unless he is licensed as a funeral director under this Act." The owner of the establishment or one of the employees who is there in the late hours of the evening could get a call from Florida but could not make any arrangements. They're afraid that individual could not make any arrangements for funeral services for the individual who has telephoned long distance.

If I am incorrect they would like the parliamentary assistant to reply to it and put their minds at ease so they would know they could carry on in exactly the same fashion as they are now. They are very much disturbed that they are being limited by the subsection I read and that they might be put out of business and would have to sell to an individual who does maintain a funeral director's licence. As I said earlier, the individual could be actually the owner of the establishment who lives in the home or in the place where his business is conducted and is there for answering the telephone at odd hours.

I do understand that there were some arrangements made that this bill was not going to be proceeded with at this time. Is that correct? I shouldn't say at this time. It will proceed to this extent but will not come back for clause-by-clause study or third reading until some time later, maybe later on next week. Is that correct? In other words, does the government intend to proceed with the bill as it is now? It will go through the committee stage and third reading before we adjourn?

One of the homes which happens to have a branch office in a smaller community expressed the concern that it would have to increase its charges for its services if it had to hire an additional individual who is a licensed individual so it could have service around the clock in the smaller community.

It mentioned that if it had to put on that type of additional staff it could mean a substantial increase in the cost of services. It would prefer to provide services at a minimal charge in keeping with the high quality and fine services it has been providing in its main establishment in the bigger city, the city of Windsor.

One of the directors in the community actually had a lawyer look into section 5, subsection 1 and from what I understand the lawyer commented that if the bill went through as it is the director, not being a licensed funeral director, would not be able to operate and would be subject to the disciplines envisaged in the discipline section of the Act.

It being the concern of those who have had an opportunity to look into the bill and who've asked me to convey their concerns about the bill to the Legislature at second reading of the bill.

Mr. Bounsall: In rising to speak on this bill, I will say initially that I certainly support the hoist motion introduced by our member for Durham East that we not proceed with this bill for some months so that everyone in the Legislature, in considering The Funeral Services Act, 1976, that's been proposed, may have time to become thoroughly informed upon all the matters pertaining to and affecting the funeral services situation in the province of Ontario.

That would give us time to read the very excellent proposals for legislative reform aiding the consumer of funeral industry products and services that was prepared by William Neilson and Gaylord Watkins in 1973, a study commissioned jointly by the Memorial Society Association of Canada and the Continental Association of Funeral Memorial Societies. They have many legislative suggestions in that document. It's a proposal for legislative reform and it documents all of the different kinds of services and legislation available throughout North America. It would provide time for us as legislators to have a thorugh understanding of what goes on in other jurisdictions.

I was a little bit surprised, therefore, to find this bill coming forward at this time and being dealt with so quickly in this period. I would certainly hope the member piloting the bill through for the government, the parliamentary assistant, would recommend the delay of the passage of this legislation. With respect to the legislation I might say that what we need, in my opinion, in the province of Ontario is a consumer protection Act relating to the funeral service industry, not this Funeral Services Act which follows the rough outlines of the other Health Disciplines Act

as if the funeral directors in the province were somewhat like a profession, such as nurses, pharmacists, doctors, dentists and so on. Because it's brought through the Ministry of Health we have a bill that is very similar to The Health Disciplines Act as if there was some connection.

This bill rather should be a consumer protection bill and be handled by the Ministry of Consumer and Commercial Relations so that the emphasis in the bill is one in which consumers are protected and not one in which, as I read the bill, is basically one which protects the funeral directors in Ontario. The makeup of the board, for example, with five funeral directors and two persons who are not, in which the objects of the board are that the public interest may be served and protected, is not in contact or in touch with reality at all.

It is a complete anomaly to me, when the object is to protect the public and to serve the public to have funeral directors who are in the business of providing a service for which they are making money, and it's quite legitimate as businessmen for them to make money in this area—I have no objection to that—as a majority on a board which is to operate in the public interest so that the public will be served and protected.

The least one needs on a board which is supposedly serving the interests of the public and to protect the public, is a majority of people who are not funeral directors, not those people whose object in life is to be in the business of making money from this particular service. Their interests will be, as I see it, more concerned with the best type of operation, no doubt, an operation of which one of the main concerns is to be in business and perform that business in a manner which will maximize profit.

It is a legitimate business to be in, but for them to be the majority on a board presumably to protect the public interest is simply not realistic at all. Any bill regulating the funeral directors should include on that board a majority of consumers, representatives from memorial societies, other consumer associations and perhaps a representative from the medical profession, as well as a couple of funeral directors. It's reasonable to have a couple there, rather than a majority.

I have some concerns about other sections of the Act, particularly section 5 which stipulates that no person shall engage in the provision of funeral services and supplies unless he is a licensed funeral director. I find that prohibition as it affects supplies quite limiting. In Ontario there is at least one memorial society that does provide some funeral supplies and I cannot see why this should be the sole jurisdiction of a licensed funeral director. I gather that things like funeral pouches for burial have been supplied by memorial societies and I cannot see why that right should be taken away.

And, for example, if a licensed funeral director now wishes to supply to the memorial society—and there are instances in Ontario where presently licensed funeral directors are in fact talking to and very helpful to some of the memorial societies—why should not that funeral director be able to tender that advice and in fact supply supplies to that memorial society, which they in turn supply to those people who are their members or who come to them for advice? I cannot see why this section 5 should be in any way prohibitive of that kind of situation which has arisen or why it would prevent a consumer information group, such as a memorial society, from supplying various funeral supplies, which this section most certainly does.

I would say the word "supplies" could be easily deleted from here. Let those supplies be readily available from whatever source and not simply through the aegis of a licensed funeral director.

Certain societies have had great difficulties with funeral directors in their communities in the provision of services. We heard the member for Fort William indicate some of the difficulties which have arisen in his community and the depth of feeling of people from his community in this regard.

I understand that the members of the memorial societies down in Kingston have people coming to them indicating that certain services will not be supplied by the funeral directors in their area. The memorial societies have contacted those funeral directors to provide those services; the answer is no. For those people in the Kingston district interested in obtaining those particular services, they have to go outside their community as far as Belleville in order to obtain them.

[5:30]

So the collective attitude of some licensed funeral directors in certain of our communities in Ontario is such that they are at least not providing a particular service and, when that is brought to their attention, not willing to respond to a group of people representing those other persons wanting that service, and for those particular services they must go outside their community. This speaks directly to the point of professionalism in the licensed funeral directors being asked to provide a service and a refusal which gives

rise to the need for good, tough, effective consumer legislation on behalf of those people who find themselves in the position of providing for and helping to provide people with that service at the time of the need.

The other major point as to why the legislation should be framed in terms of consumer protection legislation is the problem of high costs. Funerals are a large and a significant consumer expenditure which virtually everyone in the province gets involved with once or twice in their lifetime, with a member of their family passing away. It's a time of great emotional stress. In no other transaction do consumers find themselves at such a great disadvantage. They are under great emotional stress; in many cases it is something which they have had no time or opportunity to prepare themselves for and they feel under some pressure to dispose of the body in a fairly respectable way within a fairly short period of time.

In no other product or service at any time is anyone in Ontario in that situation. If one is going to buy a car or if one is going to purchase the services of a piano teacher for one's children and so on, there is time in which to consider what kind of car and whether or not one finally wants that service and so on; this is true in virtually all the other services provided. Here is one which comes upon the consumers in Ontario surprisingly—in many cases quite surprisingly—and because of the involvement with a person who has died, at a time of great emotional stress. It is in that context which they then have to carry out their transactions, and in many cases they are not fully informed as to what the requirements are in Ontario with respect to what must be provided.

I think my two major concerns have been covered: The makeup of the board, which should be a consumer protection board rather than one dominated by the industry; and the cost of funerals. I think the legislation dealing with funeral services in Ontario should make very explicit the right to self-disposition of one's body after death—the right of people in Ontario to be able to dispose of a body themselves—rather than going through a funeral director, but with due and proper regard to what is required through the Ministry of Health regulations. That should be clear to the consumers of Ontario and that right should be clearly set out in legislation in Ontario.

There are various other things about the Act that one would say are improvements. I think any Act in the funeral services area should prohibit embalming without permission from the family of the deceased unless the deceased has already clearly spelled out beforehand his wishes that he wants to be embalmed. If those wishes are not spelled out, then there should be a prohibition against automatic embalming unless the permission of the family has been obtained.

Also this Act should make it a duty for funeral directors to inform the users of their services that embalming is not required in the province of Ontario. I've had various examples given to me in which, if not openly stated, it is certainly implied that the province of Ontario requires the body to be embalmed. In any Act worth the paper it's written on, there should be a duty on funeral directors to inform all users of their services that embalming is not required in the province of Ontario.

Also an Act of this sort should permit and require that funeral homes advertise their prices so that those involved in the selection of the services required at the given time will be able to compare prices among funeral homes.

Finally, I think any Act relating to funeral services in Ontario should very carefully and clearly stipulate that funeral arrangements made by persons ahead of time are legally binding and cannot be changed by members of the family or by anyone else at the time of that person's death, when all arrangements have been made beforehand by the person who is deceased.

In addition, a Funeral Services Act, which should be aimed at protecting consumers in Ontario, should require each funeral home or each funeral director through the various homes he might run, to have a minimum cost casket available and a minimum cost cremation box. People who want to be simply, quickly and easily disposed of can be placed in an inexpensive box—heavy cardboard for example, is quite sufficient—and they can be cremated without any fuss.

This kind of service is available through some funeral directors in Ontario but, as far as I can determine, not that many and the fact they have them is certainly not made very open to the public. An Act in Ontario requiring them to indicate the cost and to carry this sort of minimum cost casket or minimum cost cremation box would be very useful to all consumers in the province of Ontario. We recommend that we have that in legislation.

The only problem is this bill does not approach this whole subject from the consumer's point of view and simply sets up the

regulation of funeral directors as if they were a profession. One really cannot, as far as I can see, amend very easily this bill to have within it the flavour which reflects the concerns read out by the member for Fort William and the concerns I have mentioned which should be in the legislation to give valid protection to consumers.

In closing—I don't wish to speak at length on this bill—I would think that the consumers of Ontario and the various memorial societies engaged in helping people plan their funerals, by providing information on rates and what services are available at what costs, should have a much longer time to look at this legislation, to become thoroughly conversant with it. They should have time to present to all members of the Legislature their detailed views, as consumer protection groups, on the type of legislation which should come before us.

In that respect, I agree with the hoist motion as presented by the member for Durham East and I would hope that the parliamentary assistant would take that fully into account. If that hoist motion was not on the floor, I would have to say that I would be opposed to this bill because it is not what is needed in the province of Ontario. What we need here is a consumer protection Act relating to the practices of the funeral service industry, not this type of bill which we have before us which makes them a regulating profession, regulated by boards and committees which have on them a majority of funeral directors.

Mr. Germa: I would like to offer a few comments on this bill. I think the title, The Funeral Services Act, 1976, should be changed to reflect what the bill really does. I would propose that it should be entitled The Funeral Directors Protective Society Act. It doesn't speak to the problems of burying people in the province of Ontario.

The very fact and the evidence that there is a problem is the flourishing of memorial societies across the province. We know that they started in the far western United States and crept up to British Columbia and are now sweeping east across Canada. There is a great disgruntlement in the populace as it relates mainly to the cost of providing this very necessary service. I know we cannot legislate the attitudes of funeral directors but I think that there should be encompassed in legislation a protective feature. In no place in this legislation is there any protection for the consumer. The protection is only for the benefit of the funeral director and those people concerned with making money out of the job of disposing of dead people.

I would like to look just at a couple of points. There is provision in the bill for a person to complain. I would ask the members of the House to take a look at where someone starts in the bill to file a complaint. He starts on page 7 and flogs his way through all the various routes he must take in order to bring the complaint to a conclusion and arrives at the end, 11 pages later. On page 18, he has come to the end of the procedure as far as his complaint is concerned. Eighteen pages of legislation in my mind could be at least 18 months of hell in the offices of the registrar. This self-perpetuating, self-licensing, self-protective society has other people to learn from. They will learn from the legal profession and the medical profession. Anyone who has tried to lodge a complaint with the legal society knows how frustrating that is.

I can see that by the time a person gets to page 18 in this bill, he's going to say: "To hell with the complaint. I have forgotten what the complaint is by now because it is so long since I lodged the original complaint." Even when one gets to page 18 in the legislation, then it can go to the Supreme Court as well. Where is the culmination of the complaint, this innocent complaint that one launched 18 months previously? The whole thing just won't work.

It's protective legislation, but all of this doesn't apply unless one is in southern Ontario. In sparsely settled areas of the province, all of this protection doesn't apply. One can do as one wills in a sparsely settled area of the province.

The bill tells me that the legislation is really not in place other than to protect the funeral directors because it absolves anybody of responsibility in a sparsely settled area of the province. It just doesn't function in that kind of an area. If it is important in this part of the province, then it is important in the sparsely settled areas, but the bill tells me it is not. It's hard for me to take the bill seriously when a large section of the province can be written off in that fashion.

[5:45]

There is one particular section, Mr. Speaker, which is particularly offensive, and which is repeated from the legislation which is being repealed. That is section 36(2)(d). This was a vicious amendment to the Act to put the co-op funeral homes out of business. This section of the Act says that a corporation which is engaged in this business must have on the board of directors a licensed embalmer.

My city, the city of Sudbury, got in just under the wire to that amendment. The city of Sudbury has the last co-operative funeral home which was licensed in the province of Ontario.

Tell me who put this government up to wiping out the co-op movement as far as funeral homes are concerned in the province of Ontario—and that section is repeated in this particular bill. If that section alone could be removed from the bill then that would give some competition to the system that is presently in place right now, the co-op funeral home concept. But no, that section is continued in this particular bill, and we will never have another co-op funeral home in the province of Ontario, because it is inconceivable to believe that a licensed embalmer would ever join a co-op and become a member of the board of directors. He would rather go into private business himself and reap the benefits—

Mr. Shore: Do you hear that?

Mr. Nixon: How about do-it-yourself?

Mr. Germa: —from driving people around in Cadillacs and selling them flowers. I can go even farther than my colleagues who proposed the hoist motion. I have no difficulty whatsoever in voting against this bill tonight—

Mr. Ruston: Get those books straightened out yet?

Mr. Germa: —and unless it is amended substantially to remove section 36(2)(d) I would be pleased to vote against it four months hence.

Mr. Ferrier: I want to make a few comments on this bill. Probably I have had as much experience as any one in this House—with the exception of the member for Waterloo North, and possibly Yorkview—with undertakers and families in the grief situation, and the whole matter of dealing with grief situations.

I must say that there is a wide variety of practices in this country as far as funerals are concerned. I have conducted a funeral where a man was buried in a rough box with just excelsior in that box, and I have conducted funerals where people have been in steel caskets and oak caskets and they have been very elaborate. I suppose the final outcome of that—

Mr. Nixon: Can you get them all into heaven?

Mr. Ferrier: I was just getting to that. The final outcome of that person's destiny may have been just as well prepared in the one in the very simple funeral as the one in the rather elaborate funeral.

I don't think there is any doubt about it that funerals have gotten away out of hand and people have at one point come to expect far too elaborate procedures. I think that the glorification almost of the dead body is to some extent a pagan intrusion upon our culture. I think that trend must be resisted very strongly and I know that it is within the church community.

The church community has for some time been advocating a more simple type of funeral and the spending of less money on the funeral service and the accompaniments around the particular service. A number of the churches have had the practice of using a pall should a person come into the church, so that no matter what type of casket they have the person is the same as far as the service in the church is concerned.

I have always felt that a good deal too much money is spent on flowers. It's rather a waste of money and the money people want to give in memory of a person could more usefully be given to some of the societies, such as the Cancer Society or the Heart Fund or the various memorials in our community and in the churches.

I think the bill probably has too much emphasis on protecting the funeral directors per se. I think it would be better to have a balanced board without a preponderance in favour of the funeral directors. I don't take the cynical view that some do about funeral directors. I know there are some who are hard-hearted businessmen, I suppose, and are trying to get as much as they possibly can. The experience I've had with a number of funeral directors is that they are rather sensitive and concerned people who don't use high pressure on people who come to them and who are rather helpful at a time when people are very vulnerable and are very much in need of some assistance.

In saying that, I know some say that when the people are vulnerable the funeral director will say, "You must have the very best for So-and-so." The funeral directors I have known personally have not been that kind. They have had a wide variety of caskets and funerals and, to my knowledge, have not been the kind to use high pressure on these people. I know in one community I am aware of there was one funeral home which did not have a very low cost funeral; the lowest cost was quite high. Another funeral home came to that community and provided the lower cost funeral; the other home changed its

ways so in that respect competition had its benefits.

I think, as I say, it would be better to have a stronger non-funeral director presence on that board. There should be guarantees for people who wish to have a very simple funeral and disposition of their body. This should be enshrined, in a sense, in legislation for those people in our society who want this kind of service. It should be guaranteed to them and there shouldn't be the difficulties mentioned in Kingston or perhaps Thunder Bay or other communities.

I think that because there is this dissatisfaction and uncertainty about those matters it would be advisable for this bill to be stood down and further consideration given to it. The memorial societies would have a better chance to study the bill and put forward their point of view, and we could provide greater protection for those people who feel this way so their kind of funeral or their kind of disposition of their body could be provided for.

Society, I suppose, must have some guarantees, if a person is going to have almost anyone perform this kind of service, that there was no foul play involved in a death, I mean some guarantees or safeguards are necessary in a murder situation, that society would be protected in that way.

In the churches there is certainly a strong movement afoot that we have simpler funeral practices and that the emphasis on the body per se should not have got to the stage that it has got to. We must remember that the body itself is no longer the instrument of the life of the person, as far as the church is concerned; the person has left the physical body and has gone to possess a spiritual body in another realm. While we respect the dead body, yet it is not to be glorified as seems to have been done in our culture to too great a significance.

Because there is significant dissatisfaction among those people who desire a simpler funeral and who feel their rights are not being protected and guaranteed, and since this bill has not had a very long time on the order paper, I feel our party's position is a responsible one and we would like to see it delayed.

Mr. Speaker: Do other hon. members wish to speak to this bill before the parliamentary assistant responds? Well, because of the lateness of the hour, we will recognize the clock.

The House recessed at 5:57 p.m.

APPENDIX A

(See page 5442.)

Answers to written questions were tabled as follows:

176. Mr. Philip—Inquiry of the ministry: Would the Minister of Treasury, Economics and Intergovernmental Affairs advise the House whether or not he is concerned by the findings of a survey reported in the Globe and Mail, November 17, 1976, which states that the attitude of incumbent members of councils, school boards and public utilities toward disclosing their assets and campaign donors to municipal clerks "ranged from reluctant agreement to belligerent refusal"? Would the minister comment on a statement by Mayor Dennis Flynn reported in the same article, "There was no law that required disclosure of campaign expenses" and donors and that, "he will file a statement when the Ontario government says municipal candidates must do so"? Is the minister prepared to introduce legislation before the next municipal election requiring disclosure by candidates of campaign donors and/or assets?

Answer by the Treasurer (Mr. McKeough):

There is no requirement under present legislation for the disclosure of campaign donations and assets of candidates in municipal elections. Candidates in the present municipal elections are entitled, therefore, to express their own opinions about voluntarily disclosing their donations and assets. There may be some merit in being concerned with disclosing campaign donations in municipal elections, particularly now that guidelines exist at the provincial level. This is an issue that we will be discussing with the Municipal Liaison Committee during our review of The Municipal Elections Act. I would want to receive the comments of the municipalities and municipal associations for such a general requirement before considering an amendment to the Act.

171. Mr. Godfrey: Inquiry of the ministry: Does the Ministry of the Environment plan, in the immediate future, to prevent the utilization of chlorofluorocarbons in aerosol cans, the drastic curtailment of non-essential use having been recommended by the National Research Council? Does the ministry plan to phase out the use of halocarbons in refrigerating units?

Answer by the Minister of the Environment (Mr. Kerr):

The Ministry of the Environment, at present, does not have plans for an immediate ban on chlorofluorocarbons in aerosol cans and other non-essential applications. The air resources branch of the ministry is monitoring all developments in this field and if results of further research will indicate a significant threat to human health, the Ontario government is prepared to restrict all non-essential uses of chlorofluorocarbon compounds in Ontario. Restriction of the use of halocarbons in refrigerating units is not being considered since many other refrigerants are highly toxic—for example, ammonia.

The problem of ozone depletion is of global nature and has to be dealt with on an international scale to achieve satisfactory results. Hon. George A. Kerr has urged Hon. Romeo LeBlanc, Environment Canada, to take the initiative in dealing with this matter since halocarbon compounds are used nationwide in Canada.

158. Mr. Philip: Inquiry of the ministry: Would the Minister of Culture and Recreation advise how many complaints his ministry has received about soccer balls supplied to clubs under the Wintario programme? What has the average cost per ball been? What companies were these balls purchased from? Is there any truth in the statement that many of the balls supplied to soccer clubs have not been of regulation size?

Answer by the Minister of Culture and Recreation (Mr. Welch):

The ministry has received a number of complaints regarding the soccer balls supplied to clubs under the Wintario programme. These complaints were primarily based on the recipients' presumption that due to the trade name of the equipment they were going to receive a high-quality game ball, when the criteria were to assist clubs in supplying practice-ball quality. These complaints were satisfied by this explanation.

Three or four complaints were received regarding poor quality, damaged equipment and these complaints were satisfied by the replacement of the equipment by the supplier. The supplier of soccer balls was Sports Equipment of Toronto Limited. The average price was $8 and $7 on sizes 5 and 4. The ministry has not received a complaint from any of the recipients that the balls were not of regulation size.

157. Mr. Philip: Inquiry of the ministry: Would the Minister of Culture and Recreation advise how much has been spent to date under the Wintario programme on sports and recreation equipment? Would he provide a list of the equipment purchased and the average cost of each different item? Would he list the manufacturers and/or distributors from whom the equipment was purchased and also indicate the manner in which contracts for the equipment were awarded?

Answer by the Minister of Culture and Recreation:

During the period from April 1, 1975, to November 1976 the Wintario Direct Equipment Programme has purchased $534,707 worth of sports and recreational equipment.

Attached is a list of all the types of equipment, the average cost, the suppliers and the method of purchase.

The majority of the items are purchased under standing agreements established by the Ministry of Community and Social Services which called tenders based on its anticipated needs along with those of Health, Education, and Culture and Recreation.

Equipment which is not covered by a standing agreement is purchased competitively on the basis of advice from the appropriate sports governing bodies and the consultants in the sports and fitness division.

Equipment	Cost	Supplier	Remarks
Archery target supports	24.00 ea.	Sports Equipment of Toronto	Lowest price
Archery grass target pads	55.00 ea.	Sports Equipment of Toronto	Lowest price
Badminton nets	10.53 ea.	Jelinek Sports Ltd.	Lowest price
Badminton standards	235.00 ea.	Sports Equipment of Toronto	Lowest price
Badminton shuttlecocks	1.30/3	Jelinek Sports Ltd.	Standing agreement—SA-1038B
Badminton rackets—wooden	5.00 ea.	Jack Watson Sports Inc.	Standing agreement—SA-1038
	10.53 ea.	Jelinek Sports	Best available price and quality
Badminton rackets—steel	4.00 ea.	Sports Equipment of Toronto	Standing agreement—SA-1038A
	5.27 ea.	Jelinek Sports	Best available price and quality
Baseball bats—junior	2.34 ea.	Cooper Canada	Standing agreement—SA-1041
	2.28 ea.	Winnwell Ltd.	Equipment availability
large	3.45 ea.	Cooper Canada	Standing agreement—SA-1041
	2.81 ea.	Winnwell Ltd.	Equipment availability
Baseballs	31.24 doz.	Cooper Canada	Standing agreement—SA-1041
	33.80 doz.	Winnwell Ltd.	Equipment availability
Baseball bases	16.30 ea.	Cooper Canada	Standing agreement—SA-1041
	16.40 ea.	Winnwell Ltd.	Equipment availability
	17.95 ea.	Sports Equipment of Toronto	Equipment availability
Home plate	8.99 ea.	Cooper Canada	Standing agreement—SA-1041
	20.95 ea.	Sports Equipment of Toronto	Equipment availability
Pitcher's plate	12.58 ea.	Cooper Canada	Standing agreement—SA-1041
	11.25 ea.	Sports Equipment of Toronto	Equipment availability

Equipment	Cost	Supplier	Remarks
Body protectors—			
junior	6.52 ea.	Cooper Canada	Standing agreement—SA-1041
	7.65 ea.	Winnwell Ltd.	Equipment availability
intermediate	7.59 ea.	Cooper Canada	Standing agreement—SA-1041
	8.20 ea.	Winnwell Ltd.	Equipment availability
senior	8.30 ea.	Cooper Canada	Standing agreement—SA-1041
	8.80 ea.	Winnwell Ltd.	Equipment availability
	8.66 ea.	Cooper Canada	Standing agreement—SA-1041
	9.55 ea.	Winnwell Ltd.	Equipment availability
Catcher's leg guards—			
junior	5.45 ea.	Cooper Canada	Standing agreement—SA-1041
	6.55 ea.	Winnwell Ltd.	Equipment availability
intermediate	6.52 ea.	Cooper Canada	Standing agreement—SA-1041
	7.40 ea.	Winnwell Ltd.	Equipment availability
senior	7.59 ea.	Cooper Canada	Standing agreement—SA-1041
	8.20 ea.	Winnwell Ltd.	Equipment availability
Catcher's mitt—			
junior	11.27 ea.	Cooper Canada	Standing agreement—SA-1041
	13.20 ea.	Winnwell Ltd.	Equipment availability
senior	12.38 ea.	Cooper Canada	Standing agreement—SA-1041
	15.80 ea.	Winnwell Ltd.	Equipment availability
Batter's caps	5.80 ea.	Cooper Canada	Standing agreement—SA-1041
	4.50 ea.	Winnwell Ltd.	Equipment availability
Catcher's masks	4.53 ea.	Cooper Canada	Standing agreement—SA-1041
	7.15 ea.	Winnwell Ltd.	Equipment availability
Basketballs	27.00 ea.	Sports Equipment of Toronto	Lowest price on acceptable equipment
Basketball nets	4.50 pr.	Sports Equipment of Toronto	Lowest price on acceptable equipment
Boxing fast bag	28.85 ea.	Jack Watson Sports Inc.	Standing agreement—SA-1036
Laceless training gloves—			
16 oz. (set of 4)	81.75	Jack Watson Sports Inc.	Standing agreement—SA-1036
14 oz. (set of 4)	78.40	Jack Watson Sports Inc.	Standing agreement—SA-1036
12 oz. (set of 4)	75.05	Jack Watson Sports Inc.	Standing agreement—SA-1036
Fighting gloves—			
10 oz. (set of 4)	70.90	Jack Watson Sports Inc.	Standing agreement—SA-1036
12 oz. (set of 4)	75.05	Jack Watson Sports Inc.	Standing agreement—SA-1036

Equipment	Cost	Supplier	Remarks
Striking bag	28.85 ea.	Jack Watson Sports Inc.	Standing agreement—SA-1036
Striking bag gloves	16.70 pr.	Jack Watson Sports Inc.	Standing agreement—SA-1036
Boxing headgear	32.00 ea.	Jack Watson Sports Inc.	Standing agreement—SA-1036
Skipping rope	6.25 ea.	Jack Watson Sports Inc.	Standing agreement—SA-1036
Training bag	49.35 ea.	Jack Watson Sports Inc.	Standing agreement—SA-1036
Striking bag swivel	5.20 ea.	Jack Watson Sports Inc.	Standing agreement—SA-1036
Canoe racing paddles	9.75 ea.	York River Industries	Competitive quotation
Cricket balls	154.00 doz.	Wallis Bros.-Dorcas Sports	Sole agent
Cricket mats 57' x 8'	206.00 ea.	Wallis Bros.-Dorcas Sports	Sole agent
Cricket bats	36.25 ea.	Wallis Bros.-Dorcas Sports	Sole agent
Field hockey sticks	3.25 ea.	Sports Equipment of Toronto	Competitive quotation
Field hockey nets	86.08 pr.	Jack Watson Sports Inc.	Competitive quotation
Field hockey balls	2.17 ea.	Jack Watson Sports Inc.	Competitive quotation
Football helmets—			
junior	27.90 ea.	Paul Wilson Sporting Goods Ltd.	Tender No. 5009
intermediate	27.90 ea.	Paul Wilson Sporting Goods Ltd.	Tender No. 5009
senior	41.00 ea.	Paul Wilson Sporting Goods Ltd.	Tender No. 5009
Shoulder pads—			
junior	12.00 pr. 12.75 pr.	Paul Wilson Sporting Goods Ltd.	Tender No. 5009
intermediate	15.25 pr. 17.90 pr.	Paul Wilson Sporting Goods Ltd.	Tender No. 5009
senior	27.75 pr.	Paul Wilson Sporting Goods Ltd.	Tender No. 5009
other	32.00 pr.	Paul Wilson Sporting Goods Ltd.	Tender No. 5009
Kidney pads—junior	3.00 pr. 5.95 pr.	Paul Wilson Sporting Goods Ltd.	Tender No. 5009
Football arm blockers	15.90 ea.	Paul Wilson Sporting Goods Ltd.	Tender No. 5009
Footballs—			
Bomb	28.00 ea.	Paul Wilson Sporting Goods Ltd.	Tender No. 5009
Jr. Bomb	12.85 ea.	Jack Watson Sports Inc.	Equipment availability
	13.90 ea.	Paul Wilson Sporting Goods Ltd.	Tender No. 5009
J5V	26.00 ea.	Paul Wilson Sporting Goods Ltd.	Tender No. 5009
J5J	16.75 ea.	Paul Wilson Sporting Goods Ltd.	Tender No. 5009
J4V	15.50 ea.	Sports Equipment of Toronto	Standing agreement—SA-1039

Equipment	Cost	Supplier	Remarks
Hockey goalie equipment—			
junior	76.01 set	Cooper Canada	Standing agreement—SA-1045
intermediate	101.23 set	Cooper Canada	Standing agreement—SA-1045
senior	121.41 set	Cooper Canada	Standing agreement—SA-1045
other XL sr.	132.09 set	Cooper Canada	Standing agreement—SA-1045
Hockey helmets—			
junior	16.95 ea.	Cooper Canada	Standing agreement—SA-1045
intermediate	16.95 ea.	Cooper Canada	Standing agreement—SA-1045
senior	16.95 ea.	Cooper Canada	Standing agreement—SA-1045
Hockey sticks—			
junior	24.30 doz.	CCM Company	Standing agreement—SA-1044
senior	34.45 doz.	CCM Company	Standing agreement—SA-1044
Hockey goal sticks—			
junior	66.83 doz.	CCM Company	Standing agreement—SA-1044
senior	87.10 doz.	CCM Company	Standing agreement—SA-1044
Hockey pucks	23.43/C	Cooper Canada	Standing agreement—SA-1045
Hockey referee's leg guards	8.04 pr.	Archie McCoy (Hamilton) Ltd.	Telephone quotes as required
Hockey referee helmets	12.72 ea.	Archie McCoy (Hamilton) Ltd.	Telephone quotes as required
Dental guards	1.11 ea.	Sports Equipment of Toronto	Telephone quotes, equipment availability
Lacrosse sticks	99.69 doz.	CCM Company	Standing Contract—MCSS
	119.20 doz.	CCM Company	Standing Contract—MCSS
	173.89 doz.	CCM Company	Standing Contract—MCSS
Lacrosse sticks	89.51 doz.	CCM Company	Standing Contract—MCSS
	144.20 doz.	CCM Company	Standing Contract—MCSS
Lacrosse balls	9.04 doz.	CCM Company	Standing Contract—MCSS
Clipboards—			
boards	4.34 ea.	National Coaching Aids	Leading manufacturer
panels	27.00 ea.	National Coaching Aids	Leading manufacturer
Lawnbowling bowls (set of 10)	83.50	Margessons Ltd.	Sole agent
Gymnastic balls	N/A		

Equipment	Cost	Supplier	Remarks
Rhythm hoops	16.50 doz.	Sports Equipment of Toronto	Lowest price discount
Gymnastic ribbons	N/A		
Orienteering compasses	4.76 ea.	Silva Ltd.	Competitive quotation
Ringette sticks	6.52 doz.	CCM Company	Recommended by sports governing bodies
Ringette rings	.85 ea.	Sports Equipment of Toronto	Recommended by sports governing bodies
Rugby balls, leather—			
game quality	28.15 ea.	British Sporting Goods	Recommended by Ontario Rugby Union
practice quality	24.70 ea.	British Sporting Goods	
Air rifles	N/A		
Air pistols	N/A		
Soccer balls—			
size 4	7.00 ea.	Sports Equipment of Toronto	Standing agreement—SA-1039
size 5	8.00 ea.	Sports Equipment of Toronto	Standing agreement—SA-1039
Soccer nets	62.00 pr.	Sports Equipment of Toronto	Lowest price
Softballs	34.00 doz.	Spalding Canada	Requested by recipient
	34.08 doz.	Cooper Canada	Standing agreement—SA-1040
	34.00 doz.	Winnwell Ltd.	Equipment availability
Softball bats	7.59 to 9.20 ea.	Cooper Canada, Sports Equipment of Toronto, Winnwell Ltd.	Standing agreement—SA-1040 and other available sources
Catcher's mask	4.60 to 5.05 ea.	Cooper Canada, Winnwell Ltd., Sports Equipment of Toronto	Standing agreement—SA-1040 and other available sources
Home plate	8.99 ea.	Cooper Canada	Standing agreement—SA-1040
	20.95 ea.	Sports Equipment of Toronto	Lowest price
Bases	16.30 ea.	Cooper Canada	Standing agreement—SA-1040
	16.40 ea.	Winnwell Ltd.	Equipment availability
Trapper's mitt	10.11 to	Cooper Canada	Standing agreement—SA-1040
	14.55 ea.	Winnwell Ltd.	Equipment availability
Batter's caps	5.80 ea.	Cooper Canada	Standing agreement—SA-1040
	4.50 ea.	Winnwell Ltd.	Equipment availability
Pitcher's plate	12.58 ea.	Cooper Canada	Standing agreement—SA-1040
	11.25 ea.	Sports Equipment of Toronto	Equipment availability
Stop watches	35.65 ea.	Jack Watson Sports Inc.	Lowest price
Pacing clocks	222.00 ea.	Jack Watson Sports Inc.	Lowest price
Team handballs	12.55 doz.	Jack Watson Sports Inc.	Lowest price
Handball nets	54.50 pr.	Jack Watson Sports Inc.	Lowest price

Equipment	Cost	Supplier	Remarks
Track and Field–			
discus–indoor	7.00 ea.	Lockington Sports Ltd.	Standing agreement–SA-1035A
outdoor	2.57 ea.	Lockington Sports Ltd.	Standing agreement–SA-1035A
batons	8.40 set	Lockington Sports Ltd.	Standing agreement–SA-1035A
high jump standards	96.50 ea.	Lockington Sports Ltd.	Standing agreement–SA-1035A
hurdles	45.90 ea.	Lockington Sports Ltd.	Standing agreement–SA-1035A
crash mats	253.00 to 440.00 ea.	Sports Equipment of Toronto	Lowest price
distance measuring wheels	36.75 ea.	Sports Equipment of Toronto	Lowest price
shotput	5.75 to 7.60 ea.	Lockington Sports Ltd.	Standing agreement–SA-1035A
javelin	25.00 to 21.55 ea.	Lockington Sports Ltd.	Standing agreement–SA-1035A
cross bars	26.55 ea.	Lockington Sports Ltd.	Standing agreement–SA-1035A
Volleyball standards	250.00 pr.	Sports Equipment of Toronto	Lowest price on best available equipment
Volleyballs	9.00 ea.	Sports Equipment of Toronto	Standing agreement–SA-1039A
Volleyball nets	10.50 ea.	Lockington Sports Ltd.	Standing agreement–SA-1039C
Waterpolo balls	14.50 ea.	Jack Watson Sports Inc.	Lowest price
Waterpolo nets	50.50 ea.	Jack Watson Sports Inc.	Lowest price
Waterpolo hats	1.64 ea.	Jack Watson Sports Inc.	Lowest price

APPENDIX B

(See page 5450.)

Mr. Stokes, from the committee of supply, reported the following resolution which was concurred in by the House:

Resolved, That supply in the following supplementary amounts and to defray the expenses of the government ministries named, be granted to Her Majesty for the fiscal year ending March 31st, 1977:–

Ministry of Government Services:	
803. Upkeep of Accommodation Programme	$ 2,400,000
Ministry of Attorney General:	
1202. Administrative Services Programme	5,400,000
Ministry of Housing:	
2002. Community Planning Programme	1,500,000
Ministry of Natural Resources:	
2301. Ministry Administration Programme	250,000
2302. Land Management Programme	19,500,000
Ministry of Culture and Recreation:	
2806. Sports and Fitness Programme	6,178,000
Ministry of Health:	
3002. Institutional Health Services Programme	106,215,000
3003. Community Health Services Programme	10,820,000

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No. 132



Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Third Session of the 30th Parliament

Tuesday, December 7, 1976

Evening Session

Speaker: Honourable Russell Daniel Rowe
Clerk: Roderick Lewis, QC

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LEGISLATURE OF ONTARIO

The House resumed at 8 p.m.

FUNERAL SERVICES ACT

(concluded)

Resumption of the adjourned debate on the amendment to the motion for second reading of Bill 171, The Funeral Services Act, 1976.

Mr. Grande: Mr. Speaker, first of all, I would like to thank the member for Lanark (Mr. Wiseman) who has so kindly given me this opportunity to get up and speak for about five or 10 minutes. It won't be any longer than that.

Hon. B. Stephenson: That will be a change.

Mr. Grande: I understand that when the House rose at 6 o'clock the member for Lanark was ready to get up on his feet, and so therefore I thank him very much. What I'm going to be saying is very short—I usually am very short and to the point, Madam Minister—

Hon. B. Stephenson: I wasn't talking about your height.

Mr. Deputy Speaker: I hope the Minister of Labour will not be provocative tonight.

Mr. Warner: Let her; let her.

Mr. Grande: Bill 171 was introduced in this House on November 26 and on December 8 here we are at second reading.

Mr. Worton: December 7.

Mr. Grande: I'm asking myself what kind of prior consultation there has been with the people and the groups affected out there in the province.

Mr. B. Newman: Five years.

Hon. B. Stephenson: Five years.

Mr. Grande: The members say five years. I am sure every member of this Legislature has received a telegram today. I understand 125 of these telegrams were sent. I received it. If the Minister of Labour doesn't have it I guess she'll receive it tomorrow or perhaps, if she checks her mail, later on tonight.

I would like to put this telegram on the record because I think it speaks for the kind of consultation which the people opposite there are saying has been going on for five years. Yet the telegram says, and I'm quoting: "40,000 members of Ontario memorial societies urge opposition to Bill 171, abolition of self-regulation of funeral industry and transfer of this consumer Act to Ministry of Consumer and Commercial Relations." It's signed, "Ontario memorial societies."

Forty thousand people across Ontario can't be all that wrong. Let us take a look at the two main points of this bill which the memorial societies across Ontario really object to strongly. But before I get into that, I want to say I received a couple of phone calls from one of my constituents—one yesterday and one today. The gentleman is 80 years of age. He calls me Tony—that's my name—and he said "My wife and I are both senior citizens and are retired—all we have is the money that we get through our pension and through our guaranteed annual income supplement. We've been saving that money but when my wife or myself are going to be passing away, all that saving is lost. What is she or what am I going to do after that?"

There was a tremendous amount of emotion associated with what this gentleman said to me. I asked him, "What are your objections about this legislation?" He said, "What this bill is doing is to give over a complete monopoly to the funeral directors." This bill says that five of the people on the committee are going to be funeral directors. The other two are going to be chosen by the Lieutenant Governor—at least they're going to be appointed. He said, "Where's the consumer in all of this? What kind of protection does the public get? Since when is a government passing legislation to completely turn over the whole industry to the self-interest of the funeral directors?"

It's amazing. And yet, he's right. In this particular legislation, there is no input from the consumer, there isn't one person who represents the public at large, so to speak, on

that particular board. That is one reason I and many of my constituents object to this legislation.

If this legislation passes the way it is presented by this government, it's going to be sounding the death knell to all the memorial societies in the province. That's exactly what it's going to do. As a matter of fact, this gentleman says the memorial societies could be treated like dirt. That's his own expression and I'll put it in quotation marks.

For the past several years we have seen headlines in the newspaper talking about the high cost of dying—and of the cost of funerals being completely out of reach of the average person. A funeral right now will probably cost between $1,200 and $1,500.

Mr. Good: Absolutely wrong. That's the kind of information you bring in here. Misinformation. That is all you thrive on.

Interjections.

Mr. Lupusella: For an injured worker they pay $600 for his funeral when he is going to die on the job. But the minister will never respond to that—$600 when an injured worker is dying on the job.

Mr. Shore: Come on, you have been using that too long.

Mr. Lupusella: You'd better read the Act then.

Mr. Conway: Marvin, have you priced your funeral? Your political funeral?

Mr. Grande: The members of the Liberal Party, the third party on that side of the House, are saying it does not cost $1,200 to $1,400 or $1,500.

Mr. Wiseman: He is a funeral director. He should know.

Mr. Grande: Of course, the cost depends on many different factors. It depends on what kind of casket you're going to be ordering, whether you're going to have a casket with all the ornamental irons on it, whether you're going to have a casket finished to the nth degree, as if it is needed for the funeral.

Mr. B. Newman: Who would know better?

Mr. Grande: Instead, what happens—

Mr. B. Newman: Who would know better, you or the man who's involved in the business?

Mr. Grande: That's exactly why I am opposing this legislation, because it gives control to the man who's involved.

Mr. Peterson: We can arrange some first-hand experience for you.

Mr. Spence: We can't get him to take any money at all.

Mr. Grande: As I was saying, there are different factors that increase the price of a funeral, the price of dying. But all these factors—the embalming, the beautiful casket, the ceremony that never ends for hours and hours—are not needed. People at large don't want all that luxury at a funeral.

Hon. B. Stephenson: This Act doesn't say they have to have it.

Mr. Grande: But what happens is that the funeral directors take advantage of the person at a very particular time of grief, at a very particular time when they are emotionally upset; take complete advantage of those people. They're saying, "That's how much it costs. We will provide everything. You don't have to do anything. You sit at home and come to the funeral home at a certain time when everything is ready." For anyone, that kind of price is really too high. But for the senior citizens, for whom I'm actually getting up here to speak tonight, that price is completely out of reach. And it will leave the mate in debt for years.

As I said. I'm not going to be standing on my feet and talking and getting the Minister of Labour upset.

Mr. Conway: She always does.

Mr. Lupusella: I'm not surprised.

Mr. Grande: Therefore, I really am going to end—

Mr. Conway: Go, go.

Mr. Grande: Thank you. I will, though, in spite of my friend's encouragement to go on.

Interjection.

Mr. Grande: I'll finish by saying that there's no way this legislation as it stands right now should be passed, because otherwise all the memorial societies across Ontario will become nothing, will die.

Mr. Deputy Speaker: Does any other member wish to participate in this debate? If not, the hon. member for Lanark.

Mr. Peterson: He is dead; he should finish.

Mr. Wiseman: Mr. Speaker, I listened with—

Mr. Deputy Speaker: Hopefully without interruption.

Mr. Wiseman: Mr. Speaker, I've listened with interest to some of the speakers across the House, particularly the NDP members who mentioned that this bill has been rushed through the House. I think it's been mentioned this afternoon by people who have read the bill and understood it, that this bill has been talked about for a good long time, for many years. When I went to Health a year ago, the draft bill was there; it hasn't changed all that much.

I understand that as late as November, the chairman of the board spoke about it at his annual meeting. There also have been regional meetings as well as delegations to see both the minister and others in our ministry to discuss it. So I find it hard to believe that there hasn't been some input from memorial societies and other people who are interested in the bill.

Mr. Grande: Twenty thousand members.

Mr. Wiseman: This afternoon we heard that the NDP are opposing the bill, mostly because of the composition of the board. We heard from the member for Waterloo North, who had done his homework and who had read and understands the bill; he went into the percentages of the other health disciplines and said that this board probably has one of the highest percentages of lay people we have.

Something that wasn't mentioned this afternoon is that we have what we call a Funeral Services Review Board, which will be made up of not less than three and not more than seven, all of whom will be lay people. The member for Sudbury (Mr. Germa), who isn't in his seat, was concerned that it might take a year and a half for somebody to process a complaint. The way that goes—to explain it a little for him—it goes to the registrar and is referred to the complaints committee; if the person who makes that complaint gets it in writing and he isn't satisfied with that, then he can ask that it be referred to the Funeral Services Review Board, the members of which are all lay people. They have the power to hear it if they want or refer it back to the complaints committee to have another look at it. They have the power to overrule the complaints committee. That person has a further appeal to the Supreme Court. I feel that we have looked after the public interest in this way.

[8:15]

As far as the memorial societies go, I would like to say that I understand, in checking with the funeral directors and with the registrar, that anyone can get one of these body disposals if he or she wants it. The cost of this is minimal. It's in the neighbourhood of $200 to $250, I understand. I'm sure, as has been mentioned here this afternoon, if there are areas which aren't following along this line and the people bring it to the registrar he will see to it that they can get it.

I would like to say, too, that one can get this body disposal at the same price without being a member of the memorial societies.

Mr. Good: There is the big ripoff—you pay your $20 bucks to belong to them and you get nothing for it. You can walk in off the street and get the same service at the same price.

Mr. Warner: Do you always apologize for him?

Mr. Peterson: Settle down. John Holtby is a part-time funeral director.

Mr. Wiseman: This bill will also provide in regulations that the funeral director must have a display of his funeral caskets and he must have them from the cheapest to the dearest.

Interjections.

Mr. Deputy Speaker: Will you carry on your private conversations outside the chamber, please?

Mr. Wiseman: For the information of the last speaker I am told, in checking it out, that in the province an average complete funeral runs from about $550 to about $1,200. We know there are some which go over board but one can get a really good funeral, a complete funeral, in that area.

Mr. Peterson: Do you say that from experience? We will do you for 50 bucks.

Mr. Wiseman: The member for Port Arthur (Mr. Foulds) mentioned this afternoon that he thought people should have the right to bury their dead if they wanted to. Again, that's a case of his not reading the bill. There is a provision which would allow a person to bury his or her own dead if it is so wished.

There are many other things I could say about the bill but because the bill is going to committee of the whole House and we will get into it clause by clause I won't say much more other than I believe the bill regulates The Funeral Services Act and looks after the interests of the public. I would ask each member of the Legislature to support the bill.

Mr. Deputy Speaker: Mr. Wiseman moved second reading of Bill 171, to which Mr. Moffatt moved an amendment that Bill 171 be not now read a second time but be read a second time four months hence.

The House divided on the motion that the bill be now read for the second time which was approved on the following vote:

Ayes	Nays
Auld	Angus
Belanger	Bounsall
Bernier	Breaugh
Birch	Bryden
Brunelle	Burr
Bullbrook	Cassidy
Campbell	Davidson (Cambridge)
Conway	Davison (Hamilton Centre)
Cunningham	Deans
Drea	di Santo
Eakins	Dukszta
Eaton	Ferrier
Edighoffer	Foulds
Ferris	Germa
Gaunt	Gigantes
Good	Godfrey
Gregory	Grande
Grossman	Laughren
Haggerty	Lawlor
Hall	Lewis
Henderson	Lupusella
Hodgson	MacDonald
Johnson (Wellington-Dufferin-Peel)	Mackenzie
Jones	Makarchuk
Kennedy	McClellan
Kerrio	Moffatt
Lane	Renwick
Leluk	Sandeman
MacBeth	Swart
Maeck	Warner
Mancini	Wildman
McCague	Ziemba—32.
McKessock	
McNeil	
Meen	
Miller (Muskoka)	
Morrow	
Newman (Durham-York)	
Newman (Windsor-Walkerville)	
Nixon	
O'Neil	
Parrott	
Peterson	
Riddell	
Rollins	
Roy	
Ruston	
Sargent	
Scrivener	
Shore	
Singer	
Spence	
Stephenson	
Taylor	
Villeneuve	
Welch	
Wiseman	
Worton—58.	

Ayes 58; nays 32.

Ordered for committee of the whole.

CORPORATIONS TAX AMENDMENT ACT

Hon. Mr. Meen moved second reading of Bill 168, An Act to amend The Corporations Tax Act, 1972.

Mr. Speaker: Does the hon. minister have an opening statement, any comments?

Hon. Mr. Meen: In line with the observations made by my colleague, the Treasurer (Mr. McKeough), in his statement to the House on October 26 last, this bill will broaden the base for the Ontario foreign tax credit to include foreign taxes paid on net capital gains earned in the year. Presently such gains are subject to double taxation.

Mr. Speaker: Order please, there is a great deal of background noise in the chamber. We cannot hear the hon. minister. Order please. Those who are leaving will please leave quietly.

Hon. Mr. Meen: Secondly, the bill proposes to increase the amount of the claim from the 10 per cent presently provided in the Act to 12 per cent, which is in parallel with the present amount of corporation tax payable.

Ms. Bryden: Mr. Speaker, as the minister has just said, this bill is to give a full tax credit to corporations which operate outside the country. The provincial Treasurer said that this was being brought in to parallel the treatment in other provinces. He did not make it clear whether this means that Quebec, which is the only other province that has its own corporation tax, has a full foreign tax credit. This is something I would like the minister to clarify—also whether in the provinces where the federal government collects

the corporation tax there is a full foreign tax credit.

We intend to support this bill because in principle we do not like double taxation and that is what foreign tax credits are intended to remove. However, having said that, I would like to note that we observe that this government seems to rush to the aid of corporations when there is a question of inequity, but it is much slower in rushing to the aid of individual income tax payers when inequities are pointed out there.

For example, a year ago I pointed out that our income tax credit for political contributions was working very unfairly in this province in that people of modest income, students and people who only work part of the year and therefore do not have very much taxable income, were not receiving any benefit from this legislation. The credit for political contributions was taken off after all the tax credits had been taken off, and in many cases that reduced their taxable income to nil so they did not qualify for a political credit. Yet under the federal Act, they would have qualified for a political credit if they had made a contribution to a federal party. The intention was that the two political credits would be parallel.

It seems to me unfair that people of modest means who wish to support political parties should not be able to benefit from this legislation, simply because there are tax credits built into the Ontario system. Most of those tax credits were built in, not to reduce income tax but simply to use the income tax device as a means of compensating people for other taxes which were considered too heavy on the lower income groups. Instead of giving them exemptions for sales tax, they were given a sales tax credit; instead of giving them a cut in property tax or more money to the municipalities, they were given a property tax credit; and instead of giving them an additional supplement to the old age pension, they were given an aged tax credit. Those credits are completely independent of the income tax system and it seems to me that that's one area where the province could have moved. I will say more about this when we get to the income tax.

I was just pointing out that the government seems to move very quickly to help the corporations. In fact in this particular proposal it's going to make it retroactive—which it very seldom does for very many taxpayers—because this will apply to corporations whose fiscal years end after December 31, 1975.

When this was brought in as a proposal by the provincial Treasurer last month, there was no estimate of the cost of this particular removal of what was considered an inequity. We asked the Treasury officials in the pre-budget briefing and they said perhaps from $1 million to $5 million, but you couldn't really tell. I wonder if the minister has any more up-to-date idea of what this is going to cost him in revenue and how much of a gift it is to the corporations?

It perhaps points up the need for more publication of corporation tax statistics in this province, since we collect our own corporation tax. Statistics Canada does not have the same information as it does for the provinces where the federal government collects the corporation tax. Therefore the onus is on this province to publish more of its corporation tax statistics, showing us from what sectors the tax is derived and giving us the background data from which one could estimate the kind of burden this particular tax change will have. This would enable us to monitor its cost to the province.

[9:15]

The cost could be constrained if more efforts were made to encourage investment in Ontario, to stop the drain of capital to the United States and other countries. The latest figures from Statistics Canada on direct foreign investment by Canadians abroad at the end of 1974 showed a 20 per cent increase over 1973, and the total stood at $9.3 billion.

We heard recently that the Cadillac Fairview Corporation is right now bidding to invest $284 million in an urban development in California. That may generate income which will be taxed in the US and will become eligible for this foreign tax credit. But Ontario will get nothing from that investment under this amendment. If Cadillac Fairview has that kind of money to invest why is it not investing it here? Goodness knows we need housing—affordable housing—in this province.

Has the government made any effort to sit down with Cadillac Fairview and see why that investment could not be made here? Even if some of the money is being raised in the United States by borrowing, there is no reason why the money could not be invested in Canadian housing. Rent control does not apply to new construction so what is the reason we cannot get this kind of money invested in Canada?

Mr. Cunningham: They are scared of the socialists.

Mr. Conway: They are scared of you.

Mr. Mancini: You know the answer to that question. They are scared of you.

Ms. Bryden: Perhaps the government will cease to continue relying on the private sector if it finds that this is what the private sector does with its funds for investment.

Mr. Ferris: Nationalize every one of them.

Ms. Bryden: If we want to keep the cost of this credit down and discourage investment abroad we should consider means of encouraging Canadian investment at home. We might of course withdraw the credit as a lever to encourage investment at home. However, that might lead to retaliation. It might be somewhat harmful to foreign firms which are now operating here. While we don't agree that the government should be encouraging foreign firms to move in and take over our economy and cause this great drain of profits and management fees and transfer payments of other kinds across the border, we don't think that the removal of the foreign tax credit is necessarily the best way of discouraging investment abroad and encouraging it here.

Mr. Ferris: Is that both sides of the fence?

Mr. Mancini: Do you understand it?

Ms. Bryden: Instead our investment dealers might be encouraged perhaps by some tax incentives, to be more aggressive in persuading Canadians to invest in Canadian stocks instead of promoting investments in Wall Street at such a rate. The small junior Canadian mining companies, the genuine ones with real finds—not the bucket shop artists but the genuine ones—say they can't get Canadian capital for development.

Mr. Peterson: Of course, you are only in favour of the virtuous moves, aren't you?

Ms. Bryden: And the recent changes in the Securities Commission regulations have added to their problems. Most of them are forced to sell their finds to the big companies at bargain prices, because they get no help in raising capital for the development of a Canadian resource by Canadian prospectors and developers.

Statistics Canada figures for 1974 which I cited earlier showed that 31 per cent of foreign direct investment by Canadian companies abroad was in mining and petroleum. So that is where the money that could be going into our own resource industries is going, and I think things like this foreign tax credit may be encouraging it. We should be counteracting that.

Perhaps we could encourage it by participating in some joint ventures with them. Perhaps we could encourage our own financial institutions to earmark a percentage of their funds for investment at home in housing, in resource development, in new secondary industries, in import replacement. Much of our machinery and equipment is imported; that's an area where we should be looking at investments.

One may ask whether the corporations really need this particular form of tax relief at this time. It is a question of priorities. The Treasurer, in his Economic Strategy for 1977, made an attempt to show that the corporations were starving and to excite our pity for them. Yet Eric Kierans in the Walter L. Gordon lecture in St. John's in November said big business has never had it so good. He went on to ask, "What are they crying about?" He pointed out that corporation profits increased from $7.7 billion in 1970 to $17.8 billion in 1975, a 131 per cent increase in that period, an annual increase of 26 per cent. Forecasts for next year are for 12 per cent to 15 per cent with the relaxed AIB rules for profits. At the same time, the effective rate of federal corporation tax went down from 29.6 per cent to 26.6 per cent in that period from 1970 to 1975. Said Mr. Kierans: "But who, listening to businessmen, would have believed that this had happened?"

The provincial Treasurer could only show that corporation profits were suffering by a very careful selection of statistics and base periods and some adjustment for inventory inflation due to things like the increase in world oil prices. But he didn't give us the figures showing the extent of the adjustment, so we don't really know what his figures are based on. In other words, we don't know to what extent he cooked the books. For example, he used just the first nine months of 1976, compared to the same period a year ago, to show that after-tax profits are dropping for 30 selected companies. Our research department has tabulated the profits of these same 30 companies for the preceding years, 1971 to 1975, and estimated a figure for 1976 based on those first nine-month figures that the Treasurer used.

The table shows that the 30 companies had an annual rate of increase in after-tax profit of 15 per cent since 1971. They did face a drop in the last two years, that is true. But that drop in profits simply reflects the fact that one can't go on taking more out of the economy than is justified and expect anyone else to have enough purchasing power left to buy the overpriced goods. It also reflects the

business cycles, where high profit rises and high price rises are followed by wage catch-ups, because people have to eat. That, of course, reduces profit in time. One can't expect to top last year's profit increases with the same percentage increase ever year, especially if the profits were already at an exorbitant rate. The provincial Treasurer never questions the rate of profits.

While we support this bill in the interests of tax equity, we would like to have seen an amendment to The Corporations Tax Act which would call for a greater contribution to the provincial revenues from the corporations than they are now making. As I mentioned in my budget speech last April, the corporations' contribution to provincial revenues has gone down from 17.5 per cent in 1965-1966 to 10.9 per cent 11 years later.

I also pointed out that the Ontario corporation tax rate of 12 per cent is below that of three other provinces. British Columbia is 15 per cent, Newfoundland is 14 per cent and Manitoba is 13 per cent. The Ontario rate has not been raised since 1967. A one-point addition to the tax would bring in at least $80 million to help reduce the Treasurer's overblown deficit. That would be the kind of amendment we would be much more interested in supporting. In that way we could reverse the trend to reduce the corporate contribution to provincial revenues and we could reverse the trend which is shifting the burden of taxes to the overloaded individual taxpayer.

Mr. Peterson: If I could just speak briefly on this bill, Mr. Speaker, we regard it as nothing more than a housekeeping bill, although I must say when I heard the speech of the member for Beaches-Woodbine, who I gather is supporting the bill, I was about to caucus again and maybe reassess our position, because it worries me very much that the NDP are supporting this.

Mr. Nixon: There has got to be something wrong with it.

Mr. McClelland: Gives you a chance for some bravado.

Mr. Peterson: I must say I was very fascinated by her assessment about investment in Ontario. I would be very interested in leaving this matter over for a couple of days to see what her view would be then about investment in Ontario, the productive capacity of Ontario, the manufacturing capacity of Ontario, and all the other various aspects of the Ontario economy that produce wealth. I'll be very interested to hear her reaction at that particular time; if I may, I would like to take the liberty at that point of recounting to her some of the things she said tonight.

As I said, we don't regard this as anything more than a housekeeping matter. We see it as bringing Ontario in line with the rest of the provinces. We don't see it as a dramatic thing. I don't see it as a point to make great speeches on the state of the economy of the province of Ontario. That will come later.

Mr. Nixon: It is zilch.

Mr. Peterson: We have very serious reservations about the course this government is taking at this time—

Interjections.

Mr. Peterson: At this particular time I don't see that removing double taxation on a matter of two per cent in foreign income is a significant issue to debate with the government its economic strategy or policies or those areas where the government is encouraging the productive sector of this economy at this time.

Mr. Swart: What's a million?

Mr. Peterson: As I say, we will support the bill and we will save the serious debate for a later matter.

Mr. Speaker: Do other hon. members wish to speak to this bill? If not the hon. minister?

Mr. Conway: Is the minister mean?

Mr. Nixon: Meen by name, mean by nature.

Mr. Speaker: Order.

Hon. Mr. Meen: Mr. Speaker, the hon. member for Beaches-Woodbine has raised a number of points with respect to the bill. Actually the member for London Centre has answered one of her questions. She was asking about other jurisdictions. Other jurisdictions in Canada, I understand, have had this kind of full credit with respect to capital gains experienced in foreign jurisdictions by corporations paying tax here in Ontario since about 1972. As indicated, we are bringing our legislation into line for a full tax credit to the extent of foreign tax payable—limited, of course, to the amount of tax credit here.

She was asking about retroactivity. One could have argued, I expect, to have taken it back a lot earlier than January 1 of this year, but inasmuch as there would be returns that would have been filed without taking

this into account, it seemed appropriate to take it back no further than January 1, 1976. That is why we provide for that degree of retroactivity only, rather than to go back as far as 1972 to parallel the kind of tax credit allowances provided for in the other jurisdictions.

As to the extent of the amount of the estimated reduction in revenue, I am not at all clear where the Treasurer or his staff may have found the figure of—I think the member for Beaches-Woodbine said it was an estimate of $1 million to $5 million. It is our estimate that it is approximately $500,000, rather than that larger figure. By the estimates of my ministry, that's the maximum reduction in revenue by this streamlining of the foreign capital gains credit.

[9:30]

I wondered which argument the hon. member for Beaches-Woodbine was following when in the first instance she was talking about bringing some equity into the avoidance of double taxation yet on the other hand was suggesting that perhaps we shouldn't be giving this kind of credit at all in order to justify more investments here in Canada. I think she was really doing that as a sort of obiter dictum rather than something directly on the issue here tonight, because I think all parties agree that this amendment does bring some equity to the legislation. I don't know why she's suggesting we have hurried this because, frankly, if we'd been hurrying it we might have done it sometime earlier. I'm delighted that we're bringing it into effect at least for this taxation year. I want to express my appreciation to both opposition parties for their indicated support.

Mr. Nixon: Is that on?

Mr. Ferris: You have only got three people here; let Marvin talk for a while.

Mr. Speaker: Order, please.

Interjections.

Motion agreed to.

Mr. Speaker: Shall this bill be ordered for third reading?

Mr. Lewis: Mr. Speaker, on a point, there is an almost irresistible collective request on the part of the opposition parties that the member for London North speak to the bill.

Mr. Ferris: Voluntary irresistibility. Certainly as an accountant—

Mr. Lewis: I think he might do so to show his imaginative expertise.

Mr. Speaker: Even if the member should wish to, it is too late.

Interjections.

Ordered for third reading.

INCOME TAX AMENDMENT ACT

Hon. Mr. Meen moved second reading of Bill 169, An Act to amend The Income Tax Act.

Ms. Bryden: This bill does two things. It establishes the Ontario income tax rate for the 1977 tax year, setting it at the same rate it has been since 1972, 30.5 per cent of the federal tax.

Mr. Ferris: You are not getting your notes from the NDP.

Mr. Speaker: Order, please. The hon. member for Beaches-Woodbine only is making her remarks. Thank you.

Ms. Bryden: The second thing it does is change the method or the basis for calculating the tax credit in the income tax system which is given for retail sales tax expenditures. The intention of that tax credit was to allow low- and moderate-income people some relief from the sales tax which they paid on a great many things which were really necessities of life and which cut down their amount of disposable income very seriously.

Speaking to the second thing first, it would take a Philadelphia lawyer to figure out the exact meaning of the clauses changing the base for the calculation of the retail sales tax credit.

Mr. Conway: Does the NDP need Philadelphia lawyers? Never.

Ms. Bryden: It's based on the federal tax exemptions and deductions. I believe, and I stand open to correction by the minister, that the amendment is reducing the base on which the retail sales tax credit is calculated by deleting from the calculations certain deductions allowed under the federal Income Tax Act.

These deductions are those now made under section 110, subsection 1 and then the letters e, e1, g and h. They relate to deductions for blind persons or disabled persons confined to bed or a wheelchair and who did not claim under the medical expense deduction for an attendant or for nursing home care. They also relate to deductions for university costs, the $50 a month allowed to either students or those who support them.

The federal Minister of Finance in his budget speech last May announced certain changes in these sections for 1976, and they are now before the House of Commons in Bill C-22. They have not yet been passed. But this bill appears to remove those particular deductions from the calculation of the retail sales tax credit so that in future it will be confined mainly to the personal exemptions for single and married status, for dependants, children and so on. If we are correct that this is happening, that the base is being reduced, it seems most inappropriate at this time, when inflation is causing the burden of sales tax to increase. Even though the exemptions on which the sales tax credit is calculated are indexed, the indexing never keeps up with the cost of living. There is always a lag. The indexing may not be precisely fitted to the particular cost of taxable items but may be a more general index that covers general increases in the cost of living.

I think we should have some explanation from the minister as to whether he really is reducing the base for this tax credit. It seems to me that what we should be seeing at this time is an increase in the retail sales tax credit, as well as an increase in all the other tax credits which are provided in our income tax system, in order to try to make it more fair and less regressive.

For instance, the property tax credit has not been changed in two years and it is becoming less and less of an offset to higher property taxes; therefore, it is reducing the regressivity of the property tax much less because it is mainly a fixed amount of $180 and only allows for 10 per cent of property taxes or of rents to be added to that $180. The higher that taxes and rents go, only 10 per cent is taken into account in calculating the property tax credit. And, of course, as incomes rise, the offset at the other end, which permits the tax credit to phase out for the upper-income groups, becomes higher and higher as a result of inflation in incomes; so more and more people are cut out of the tax credit than in the past.

I think the whole tax credit system is ready for re-examination and increase if we are going to have a fairer, more equitable and more progressive tax system. We also need not only tax credits to offset the burden but also some action to control prices and profits, which are causing this inflation which, as I mentioned, is raising the burden of the amount of sales tax paid.

Going back to the first part of the bill, it was presumably to set our income tax rates for 1977 but, in fact, we are really being asked to buy a pig in a poke. The Treasurer, in his statement called Ontario's Economic Strategy for 1977, said that he was not suggesting that income tax should be raised until the fiscal negotiations for more tax room are finalized. We know that the Treasurer is up in Ottawa right now discussing those fiscal arrangements, but if he comes back without the sort of tax room that he wanted, then perhaps we will be facing another amendment to The Income Tax Act next week which will change the present rate of 30.5 per cent.

The provincial Treasurer has already rattled his sabre and suggested that if the federal government does not continue the guarantee payment—which was supposed to help the provinces adjust to the so-called tax reform we got and which did cause some reduction in revenues—if the federal guarantee payment is discontinued at the end of this year, as was proposed by the federal government, he might have to impose a 10 per cent across the board income tax increase. We don't know if that is what we will be facing when the Treasurer gets back.

Of course, he will also have to find money to pay for the $160 million tax concession he's going to give to the corporations for the machinery and equipment sales tax rebate.

We think the provincial Treasurer should not consider a 10 per cent or any across-the-board income tax increase until he has looked at other sources of revenue; until he has a proper contribution from the corporations, as I have mentioned in discussing the previous bill; until he has a proper contribution from our resource industries; until he has looked at various other aspects such as the number of loopholes in our present income tax system.

A recent study by the National Council of Welfare talks about our personal income tax system as being the hidden welfare system. It points out that total exemptions and deductions under the personal income tax in 1974 came to $6.4 billion and that 33 per cent—or over $2 billion—of those exemptions and deductions went to the top 11 per cent of the tax filers.

That's the sort of income tax system we have right now which the Ontario government should be pressing the federal government to change, rather than just going up and asking for more tax room. If the federal government closed some of those loopholes and withdrew some of those over-generous concessions, which really go mainly to the upper income groups, he could have more

revenue. He could also have more revenue if we didn't have just a half-tax on capital gains.

The provincial Treasurer provided us with a new study of personal income tax with his mini-budget last month. It gives a rather interesting picture of the kind of income tax we have in this province and who is really paying the taxes—although he has promised that another study is coming out which will go into more detail about the incidence.

I thought we should look at the situation with regard to the number of taxpayers earning over $35,000 in 1974 and what effective rate of tax they were paying. His figures show that there were 50,000 taxpayers in this category—over $35,000. The equivalent income of those same taxpayers now probably would be over $50,000 or more.

The average income of those 50,000 taxpayers was $60,500. Their effective tax rate was 34 per cent. In other words, they were paying only a third of their $60,000 and still had $40,000 left on average. In addition they received, on capital gains, almost half of the total taxable capital gains, they received, on RRSP contributions, two to three times the average contribution for RRSPs. They received three to four times the average contribution for registered pension plans, and on interest income from bonds, banks and mortgages they received some four to 20 times the average contribution, so we have people at the top who are being somewhat undertaxed. That category would now be $50,000 and up, because in the previous two years their income went up by 38 per cent and it's probably gone up by at least that much in the last two years.

[9:45]

One of the things that the National Council of Welfare study showed is that all these deductions for registered pension plans and RRSPs and the registered home ownership saving plan tend to go to the higher income earners. The more they earn the greater the benefit. They suggested that most of these personal exemptions and deductions should be put on the basis of tax credits so that everybody gets the same amount instead of it going up as your income goes up. That is certainly something that this government should be pressing for in its negotiations with Ottawa and in working out its own tax credit system.

There are just two other points I wanted to make. I mentioned in discussing the previous bill the inequity on political contributions. The people of modest income are just not being allowed to play their role in our democracy by being able to contribute to a political party and get a tax rebate. This is because the rebate is calculated after their tax credits. I mentioned that the tax credits really are supplementary to the income tax system and therefore should not be taken off before the political contribution is allowed for.

There is another rather difficult point on election contributions. I understand the federal government permits the election contribution credit to be made regardless of whether the husband or the wife signed the cheque in the case where one spouse is not a taxpayer—or the cheque could be signed on a joint account or to be a joint contribution. I understand the provincial government was asked by the federal authorities if they would not like the administration to be the same, since the federal government collects the income tax—to apply the same rules to the provincial political contribution credit.

I have been told that the provincial government turned this down on two grounds; one was revenue and the other was principle. The revenue would be negligible, I am sure. The number of places where the political contribution cheque was signed by the non-working spouse and the tax rebate goes to the working spouse would not be a great many. But it would give those families an opportunity to be first-class citizens instead of second-class citizens in participating in our democratic process. On principle, it seems to me, that should be the guiding factor if we are going to have a tax credit for political purposes that encourages the participation of many people in the financing of our parties.

Another possibility which has been put forward by this party and was, I believe, also suggested by the Camp commission—or discussed by them anyway—is the idea of a political checkoff on the income tax. The taxpayer could—

An hon. member: You do well by the checkoff system.

Mr. Speaker: Order, please. I fail to see where that is any part of this particular bill.

Mr. Reid: What has been on this particular bill?

Mr. Good: She has been on the bill for half an hour.

Ms. Bryden: This is the sort of change in the tax credit system—

Mr. Reid: Running her old speeches through again.

Mr. Speaker: Order, please. May I just point out that the hon. member is supposed to be talking to the amendment that is contained in this particular bill and not to any other part of the general income tax.

Ms. Bryden: There is a tax credit in this bill, Mr. Speaker, and I thought this was—

Mr. Speaker: I see nothing to do with, for instance, political contributions or what have you. So we should refrain from discussing those particular items which are not contained in this particular bill.

Interjections.

Ms. Bryden: Mr. Speaker, I think that I've made the main points that I wanted to make. We'd rather see a bill that was bringing in a reform of the tax credit system and bringing in a reform of the general income tax so that there is more equity and more progressiveness in it.

Mr. Peterson: We regard this bill too as mainly a matter of housekeeping. But I was very interested to hear the member for Beaches-Woodbine again speak on this bill with respect to political tax credits. It seems to me that her system of income taxation and credits would only revolve around political tax credits. I would respectfully submit to her there is more to it than that. It is interesting to me that she takes every single opportunity to throw in a little move for increased or better handled political tax credits—

Mr. McClellan: Eat your heart out.

Mr. Peterson: —and I think there are more important things in this particular legislation —as there were in the last piece of legislation —that we should deal with.

As I said, we regard this as a matter of housekeeping. It's very interesting that the Treasurer was running around this province in the last three or four months threatening four per cent income tax hikes and making all sorts of threatening noises about what may or may not happen, depending on certain federal action. But eventually I'm sure that he will construe himself again as a man of constraint because he's held the income tax rate at 30.5 per cent. In fact this has been, as I understand it, the same rate since about 1972. We don't regard it as dramatic; we don't regard it as particularly exciting.

The matter of income tax reform we think is a very important one. We're not sure if this is the time or the bill to discuss that particular matter. We will be discussing that because we think there are a great number of changes that have to be brought forward. Having the second lowest income tax rate in the Dominion of Canada there is certainly some room to move, in our view, particularly in view of the excessive property tax increases and in view of the Treasurer's idea of restraint being to load more and more on to the municipalities through a different tax base. We think this is a very important tax base that we can deal with, we think there's room to move and we'll be bringing forward proposals—

Mr. Lewis: What do you mean there is room to move?

Mr. Peterson: There's room to move up.

Mr. Lewis: You mean to increase the income tax?

Mr. Peterson: There's room to increase the income tax, there's no question.

Mr. Lewis: I just wanted to get that in black and white.

Mr. Peterson: Again I'll say that very clearly for the Leader of the Opposition, just so that he understands it very clearly. We think that given the second lowest rate of income tax in the Dominion that there is room to move in an organized, orchestrated, well coordinated basis. We're particularly concerned—

Mr. Lewis: But it means up rather than down, I take it.

Interjections.

Mr. Peterson: You can move either way.

An hon. member: No, sideways.

Mr. Speaker: Order, please—the hon. member for London Centre only.

Mr. Peterson: We find that we can go both ways on several issues and you never know what will happen. We'll save that as a surprise for later on. But we regard this, as I said, as a matter of housekeeping. We don't see any real fundamental disagreement, given—

Mr. Lewis: How high do you intend to go on income tax? How high are you going?

Mr. Peterson: It depends on—

Mr. Speaker: Order, please. The hon. member for London Centre, please, will ignore the interjections and debate the bill, thank you.

Mr. Ferris: Well said, Mr. Speaker. Long overdue.

Mr. Lewis: Would the member permit a question perhaps?

Mr. Peterson: Certainly.

Mr. Lewis: I wonder if you would tell us how high is up? That is to say, how much do you intend to increase the income tax?

Mr. Peterson: Let me say by way of answer that the potential of up is infinity. If the hon. member had a philosophical course at university he would know that.

Mr. Lewis: I see.

Mr. Peterson: Let me just say I'm not predicting that now. I'm saying that we will support this particular bill. But what concerns us, as I said—

Mr. Lewis: No wonder Marvin crossed the floor.

Mr. Peterson: Mr. Speaker, the Treasurer has run around calling himself a man of restraint—

Mr. Lewis: I would think so compared to you.

Mr. Peterson: —yet at the same time threatening these income tax increases. We are on record. We have been on record for a long time—

Mr. Lewis: You have promised income tax increases.

Mr. Peterson: —as favouring this particular rate. As the system is presently constituted, we support it. We would support no increase as it is presently constituted. If that's the way it sits; we will support the bill. There is no equivocation on that.

Mr. Speaker: Do any other hon. members wish to address themselves to this bill? The hon. member for Brant-Oxford-Norfolk.

Mr. Lewis: This is the new testament he is making—

Mr. Nixon: I will make a comment or two in support of what my colleague has said.

Interjections.

Mr. Nixon: It seems to me that if—and God forbid—

Mr. Lewis: At least God, yes.

Mr. Nixon: —the Tories were ever to be returned in a position in which they had enough members so they weren't concerned with the opposition position we would not have been treated to this particular bill. They have spoken in favour of an increased income tax percentage and certainly we think it would be a tragic mistake if it were to be raised. For the minister to sit there as he has, the patsy of the Treasurer as he always is—he has no control over the figures which go into this bill in any particular area at all. He simply reflects the policy which has been stated by the Treasurer who is not even in the House tonight. All he does is pilot the legislation through the House even though his mouth is wide open even when he isn't speaking, from time to time.

I would suggest that in the unlikely event the Conservative Party is returned in a position of majority in this province again the rate would be substantially higher than that which is before us now. Of course, we support this level because we feel it is as high as it should be and I would hope—

Mr. Lewis: That isn't what your financial critic says.

Mr. Nixon: —that an increase in the income tax would not be necessary. All the Minister of Revenue has to do is persuade his colleague, the Treasurer, to cut some of the inordinate expenses of government and that would surely be an improvement on the situation we presently have.

Mr. Spence: But he won't do that.

Interjections.

Mr. Speaker: Order, please. Order. The hon. member for Welland-Thorold.

Mr. Shore: Can we have a third opinion over there? Let's get a third opinion.

Mr. Swart: I want to say that the member for Brant-Oxford-Norfolk not only has to rise and bail out his leader on occasion but now he's bailing out the potential leader.

Mr. Nixon: Not at all, I am supporting him.

Mr. Speaker: The hon. minister.

Hon. Mr. Meen: I found that interesting, Mr. Speaker. It sure didn't sound to me as if he was supporting the member for London Centre.

Interjections.

Mr. Speaker: Order, please. The hon. minister has the floor.

Mr. Lewis: I intend to quote Peterson on this subject rather than Nixon, is that all right on the hustings?

Mr. Nixon: Nobody will listen to you whatever you say.

Mr. Speaker: The hon. minister has the floor, thank you.

Hon. Mr. Meen: As a matter of fact, I think I would like to quote the member for London Centre, too, and it would make a little more sense. At least one gets the picture of the Liberal party.

Interjections.

Mr. Speaker: Order, please.

Hon. Mr. Meen: I might observe that the 30.5 per cent is a relatively low rate across Canada. We make no apologies for holding it at that for the time being and for the foreseeable future, so far as I am aware.

Mr. Nixon: Until your instructions come from the Treasurer.

Mr. Speaker: Order.

Hon. Mr. Meen: I might observe that there is only one other province with a lower rate, namely Alberta, at 26 per cent—and they have oil. British Columbia has 31.5 this year, going to 32.5 for 1977. Manitoba is 42.5 per cent—42.5 per cent in that socialist province—and staying at 42.5 per cent next year. They are not proposing to come down. New Brunswick is 41.5. Newfoundland is 41 per cent and going to 42.

Mr. Cunningham: A Tory province.

Hon. Mr. Meen: Nova Scotia is 38.5 and holding at that for next year. Prince Edward Island is 36 per cent and holding—a Liberal stronghold. Saskatchewan, that other centre of socialism, is 40 per cent and holding.

Mr. Nixon: They are not getting a checkoff from the corporations out there?

[10:00]

Hon. Mr. Meen: It appears they are going to hold the line on that for at least next year. I think it is appropriate in times like this that we should try to hold on to the 30.5 per cent figure and that is precisely what we are doing.

There seems to me to be some confusion with respect to this credit under the retail sales tax aspect of the Ontario tax credit programme, and I am not going to respond in detail to the member for Beaches-Woodbine, who wandered very far off the principle of this bill, Mr. Speaker.

Mr. McClellan: She was right on.

An hon. member: She would have nothing to say if she didn't.

Hon. Mr. Meen: Let me just explain what we are trying to do here, by taking the members back to 1973, when the sales tax credit was under consideration. It was the intention then to give the credit to taxpayers and their dependants based on the taxpayer's personal exemption. Simple enough so far, I would venture to say.

Interjection.

Hon. Mr. Meen: Subsequently, in 1974, the federal government introduced provisions in the federal Act allowing for the transfer of certain unused deductions between spouses, and we paralleled this action by an appropriate amendment in our legislation.

The transfer deductions and the taxpayer's own personal exemptions were treated together as total personal exemptions on page four of the tax return. This resulted in the amount of the sales tax credit being higher than had originally been intended because, as the member for Beaches-Woodbine indicated, some other elements got caught up into this which had really not been intended.

Now that the federal government intends—and it is Bill C-22 to which the hon. member made reference—to include only personal exemptions in section 109 of the federal Act, and separate from transferred deuctions on page four of the tax return—in other words, they are segregating these things—it is practical to base once again the sales tax credit on the personal exemptions only. In other words, to come back to the position which we had originally intended. In fact, to use the colloquial, were we to do nothing at this stage with our legislation and the use of the federal forms, which I guess are now printed with respect to the returns to be filed next year—

Mr. Nixon: You mean they print them without this legislation?

Hon. Mr. Meen: —we would have ourselves in what might be called a bit of a mishmash.

Ms. Bryden: Cutting back on handicapped people.

Hon. Mr. Meen: So it is essential that we straighten this out so that the credit is only properly applicable.

I think that explains it as clearly as I can in a few succinct sentences. It is a complicated kind of thing, as the hon. member has said. I am not sure that it takes a Philadelphia lawyer to understand it, but I can say that it takes a good deal of time to concentrate on the various sections in order to comprehend what the federal government is do-

ing by its amendments to sections 109 and 110 of The Income Tax Act, and therefore what we have to do in order to simplify the return and to simplify the tax credit application with respect to retail sales tax credit of one per cent in the application to the forms.

Motion agreed to.

Ordered for third reading.

THIRD READINGS

The following bills were given third reading on motion:

Bill 168, An Act to amend The Corporations Tax Act.

Bill 169, An Act to amend The Income Tax Act.

EMPLOYEES' HEALTH AND SAFETY ACT

House in committee on Bill 139, An Act respecting Employees' Health and Safety.

Mr. Chairman: Are there any comments, remarks or amendments to any section of Bill 139? If so, what section?

On section 1:

Mr. Laughren: As strange as it may seem, Mr. Chairman, it's section 1. I did want to indicate to the chairman and to the minister that we shall be proposing a number of amendments, and I have sent a copy of those amendments to the minister. There are several of the amendments about which we feel very strongly, and with your permission, Mr. Chairman, I'll indicate what those are just prior to moving an amendment to section 1.

Mr. Bullbrook: May I rise on a point of order, Mr. Chairman?

Mr. Chairman: Any time.

Mr. Bullbrook: Anticipating the amendments, and I appreciate very much the fact that my colleague from Nickel Belt has supplied me with a copy of them, frankly I think we should resolve now the method of the ultimate resolution by the House of the amendment. My understanding has been that my colleague wishes to stack some and not stack others. I want to say to you, sir, that as much as we would like to facilitate my colleague, I just can't subscribe to that. My understanding of the purpose of stacking is to expedite the business of the House.

I totally subscribe to any request made by any member in connection with the amendments proposed by the minister, by the official opposition or by ourselves, that we stack them. But to stack some and not stack others really makes a travesty of the intent of stacking, because what it does is to permit a party or an individutl to emphasize the intent with respect to any individual amendment.

I hope that we'll be able to go with total stacking, because I understand there is something in the neighbourhood of 30 amendments that are proposed at the present time. I ask that we anticipate this so that we understand where we're going.

Mr. Laughren: On the point of order, Mr. Chairman. I, too, wish to expedite the business of the House with these amendments. For that particular reason I was going to propose—and I mentioned it to the member for Sarnia—that in order to expedite the business of the House that we do stack certain amendments. I was under the impression that stacking of amendments was for the convenience of the members and that it was an indication that there would be a similar vote on certain amendments, but it was at the wish of the members of the Legislature and the persons moving the amendments as to how they were to be voted on. I see nothing, in principle, that is wrong with stacking certain votes and not stacking other votes. I find the alternative in a bill such as this to be extremely time-consuming and, I might say, unnecessary.

Mr. Bullbrook: May I just make one comment, sir? I appreciate your indulgence. Under the rules, I feel that you can't make any ruling now. We'll have to wait until the first proposition as to stacking.

Mr. Chairman: To stack or not to stack is not the prerogative of the Chair. You stack with unanimous consent of the House; if that's withheld, you vote. It's not within the province of the Chair.

Mr. Bullbrook: I think you understand my purpose in rising.

Mr. Chairman: Will the hon. member for Nickel Belt please put his amendment?

Mr. Laughren: May I say a couple of words about section 1 of the bill before I put my amendment, Mr. Chairman?

Mr. Chairman: All right.

Mr. Laughren: Thank you. There are several sections in the bill that we intend to move amendments on—

Mr. Chairman: You must speak to section 1, though.

Mr. Laughren: Yes, I shall speak to section 1. In section 1, which consists of the definitions, there is much that can be read into definitions. When one compares the approach to occupational health in the various jurisdictions, it becomes clear just how important definitions can be when dealing with occupational health. One need look no further than section 1(b) of the bill, which defines employer to include a manager as defined in part IX of The Mining Act. We feel that employer should not be one who has control over the work place and the employees at the work place, but rather that an employer can mean a person, a firm, association, body, or corporation who or which has in connection with the operation of a place of employment one or more workers in his or its service.

Mr. Chairman, I might point out—and I know that you would be interested in this—that there is a very big difference between giving an employer in principle the right to control the employees in his work place and the right to be in charge of the operation of a place of employment. Surely the sooner we can move away from the whole concept of an employer having control over the employee, the further we move toward civilized industrial relations.

It was evident in the submissions that were made to the standing social development committee that the employers in Ontario don't agree with me. But I can tell you it is because of some of those submissions that I feel even stronger about this section now than I did before I drafted the amendment. Some of the attitudes displayed before the standing committee indicated that the employer had to be the one who controlled not only the work place, not only the conditions of safety and health, but the employee—every moment that the employee was at the work place. Surely that is not acceptable.

If we are going to say to employees in Ontario that we want you to—

Mr. Bullbrook: You didn't say that.

Mr. Laughren: I'm going to tell you something: If we are saying to the employees in Ontario that we want you to have a joint responsibility in matters of occupational health—that's what this bill says, that there's a creation of a joint committee to deal with occupational health problems—and if we believe that employees have a joint responsibility with the managers over problems of occupational health, then we have to give those employees some control over the work place. You cannot continue to give the employees the responsibility without the control over the work place.

Mr. Bullbrook: I am just telling you about second reading, where you state the employee has total control.

Mr. Chairman: Order please, the hon. member for Nickel Belt has the floor. The member for Sarnia will have his opportunity.

Mr. Laughren: I shall not dwell unduly on section 1(b), but I do think it is terribly important to establish that when we are debating a bill that gives employees joint responsibility in matters dealing with occupational health we say to those employees all across Ontario, "Not only are we going to give you responsibility but we are going to give you some authority in the work place." You don't say that to the employees by saying that the definition of an employer is someone who has control over them. That's not how you build a joint safety and health relationship in the province of Ontario.

I am very concerned that this bill will give employees the impression that they suddenly have new-found rights. Hopefully there will be a large educational process all across Ontario in connection with this bill.

If they turn to part IX of The Mining Act and find that an employer is someone who has control over the employees, the employees are going to say, "Just a minute now. I thought we had some kind of say in these matters." Yet by definition the employer has control over them. I don't see anything in this bill that says it refutes the definition of employer as defined in The Mining Act. As a matter of fact, you are enshrining that archaic definition in this bill.

Mr. Chairman, if I might, I am including with the amendment other amendments on section 1, for your information.

[10:15]

Mr. Chairman: Do you want to read them all at once?

Mr. Laughren: I would rather speak to the others individually because they are somewhat different. They deal with different definitions so, with your permission, we would deal with them individually.

Mr. Chairman: Mr. Laughren moves that section 1(b) of the Bill be struck out and the following substituted therefor:

"(b) Employer means a person, firm, association, body or corporation who or which has in connection with the operation of a

place of employment one or more workers in his or its service."

Mr. Bullbrook: I want to voice again my appreciation to both the minister and my colleague from Nickel Belt for giving me copies of the amendments they have in mind. I want to generalize, with your indulgence, for a moment. I'm very pleased to see that my colleague from Nickel Belt—

Mr. Laughren: Careful.

Mr. Bullbrook: —representing the new left.

Mr. Laughren: No. On a point of order, Mr. Chairman, I represent the strength and centre.

Mr. Chairman: That's not a point of order.

Mr. Reid: Nor is it true.

Mr. Shore: That's good.

Mr. Chairman: You would expedite the operation of this committee if you wouldn't indulge in frivolous points of order. Thank you.

Mr. Bullbrook: Again you have demonstrated your own ability both as Deputy Speaker and chairman of the whole House. I didn't mean to be provocative with respect to my comment about the new left. I did have some insidious motivation which I won't expand upon now.

Mr. Warner: No, extraneous perhaps.

Mr. Chairman: Is this on section 1(b) of the bill?

Mr. Bullbrook: On section 1(b)—as much as my colleague from Nickel Belt, in the first five minutes of his dissertation, was on section 1(b). I want to say this, if I may, and I quote from Hansard on second reading—

Mr. Wildman: Try Shakespeare.

Mr. Bullbrook: It was "The employee must control the working place." I said, in response to that, "Quite the contrary. The intention of this legislation is that the employer and the employee working together control the health and safety of the work place." That's our intention. If we view ourselves as the middle of the road in this legislation, so be it—

Mr. Warner: You can get hit by cars coming in both directions.

Mr. Bullbrook: —and we're happy with it. I want to look at the amendment which was given to me. The effect of this amendment is to broaden very much the definition of what constitutes an employer and then to restrict and at the same time broaden the application of the statute to it. It says, in effect, that any person, firm, association, body—now there is something. I'd love to sit down and invite my colleague from Nickel Belt to define for me what a body is.

Mr. Wildman: We dealt with that.

Mr. Bullbrook: We just finished the funeral directors' legislation and one inherently knew what a body was there. I look at The Interpretation Act and there's no such thing as a body. I looked at the Criminal Code to define the word body there.

Mr. Mackenzie: As long as you don't oppose it.

Mr. Samis: Just tell us you are opposing it.

Mr. Bullbrook: I want to sit down and I want to direct a question to my colleague from Nickel Belt. What is the legal meaning of body? Does he mean unincorporated association? If he means that, say it. I want to know what he means by body because I'm vitally concerned. Do you realize the implication of what you're doing here? Frankly, if you are prepared to explain to me totally the impact of the amendment, I'll accept it.

I want to voice through you, Mr. Chairman, to the Leader of the Opposition and to all his colleagues that I am not interested in the gamesmanship that went on in committee about who is intellectual, articulate, sensitive but has no heart. This isn't a question of whether individuals have heart. We are beginning a sincere attempt to structure, by statute, a protection for the workmen, individually and collectively, in the province of Ontario and we in this party support it totally, recognizing the need for balance. As I said once, legislation for reasonable people, but legislation for unreasonable people too.

We must look at the application of that, and we begin with what seems to be an innocuous section. But what it says is that within the framework of all these people, including "body," once you have one or more employees, then the statute applies to it. Just thinking from my own legal background, if I may, let's say a management corporation is established for tax purposes, sometimes nefarious tax purposes; this provision would bring the administration of that statute into play with respect to that corporation.

I try to transport myself, as Alice in Wonderland as it might be, to my function as the Minister of Labour—

Interjections.

Mr. Bullbrook: Frankly, I think we've got to be administratively sound. When we get to section 4(1), then we begin to define where the exercise of the ministerial discretion should be effected; we're going to get into a numbers game there, although I hope we don't. I truly believe under this statute that the obligation of the minister should be mandatory where either management or the employees are not content with the health and safety provisions that prevail in the work place. I've said this in committee, but amendments for the sake of words are not what we need. This statute, being a beginning, doesn't require obfuscation by enlargement that has no validity or purpose.

I ask you, what is a body in connection with "the operation of a place of employment, one or more workers in his or its service"? With that, I'm going to sit down. I hope I get an answer. I beg your indulgence in this respect. I can envisage this debate going on for a week.

Hon. B. Stephenson: Forever.

Mr. Bullbrook: If we're going to be involved with amendments for the sake of amendments, we're going to be involved with very elasticized debate. But if we're going to be involved with amendments that deal with the very gut issues of this legislation—that is, the protection of the individual employee and the protection collectively of the employees—then we're going to support the government wholeheartedly and we're going to support the opposition wholeheartedly, where it makes sense.

Mr. Ferrier: You can't do both, though.

Interjections.

Mr. Bullbrook: Yes, you bet your life we're on both sides. If in our judgement it's in the best interests of the employee primarily, and the employer also—we have an obligation as legislators to look at the employer—

An hon. member: Talk about Alice in Wonderland!

Mr. Bullbrook: Certainly we do. There's no doubt about it.

Mr. Ferrier: Aren't you straddling both sides of the fence?

Mr. Bullbrook: The Leader of the Opposition nods in consent, because the day of the narrow approach to trade unionism, to collective bargaining, to labour relations, has finished. It's totally finished. I'm going to resume my seat, asking my colleague from Nickel Belt, what is a "body" in the context of his amendment?

Mr. Hodgson: Almost, Stephen.

Mr. Drea: I hope it's a live one.

Mr. Wildman: There's a body over there.

Mr. Warner: They want a description.

Mr. Laughren: If I might respond to the member for Sarnia, if I thought for one moment that if I was to delete the word "body" that he would support my amendment, I would do so immediately.

Interjections.

Mr. Laughren: If the member for Sarnia will indicate that's the case, I shall delete it; otherwise I shall proceed with an explanation.

Mr. Bullbrook: Oh, you will proceed with the explanation?

Mr. Laughren: Unless you are going to support the amendment.

Mr. Bullbrook: Oh, no.

Some hon. members: Oh, oh.

Mr. Bullbrook: I don't want to be involved in gamesmanship. If my colleague can explain to me what "body" means, that's what I'm asking for. I'm just asking what "body" means.

An hon. member: I haven't got the foggiest idea.

Mr. Mackenzie: Quit playing games.

Mr. Ferrier: Quit playing your lawyer games.

Interjections.

Mr. Ruston: Go and get the member for Riverdale (Mr. Renwick).

Mr. Laughren: Mr. Chairman, if the member for Sarnia is saying that the word "body" is different somehow from the word "firm" or the word "association" or the term "corporation," I would only say that his pettifogging skills exceed mine. Thank you.

Mr. Bullbrook: That is exactly the response I anticipated, and I use it purely to point out to you Mr. Chairman, that we don't need to be dealing with superfluous words.

Mr. Warner: Then sit down.

Mr. Bullbrook: What we're doing is passing legislation—when we get to 2(1), for example, we're going to be dealing with legislation which is tremendously subjective, tremendously effective. All I am attempting to do is to point out we don't need words for the sake of words. I don't mean this to embarrass or to be nasty. The fact is I don't know what a body is. I presume the intention is to enlarge the definition of employer so that any person exercising administrative or managerial function will not escape as a result of the present definition. I think that's what the intention is and that's a very meritorious intention.

Then when we hook on it, the thing I find unattractive, frankly, is the hook on it. It's not the definition of person, firm, association or corporation—

Mr. Warner: I'll bet you are a wizard at Scrabble.

Mr. Bullbrook: I'm sorry; I didn't hear that. Did you wish to say something?

Mr. Reid: Just one of his more juvenile comments; carry on.

Mr. Bullbrook: No, go ahead, if you wish to. I'm always prepared to sit down.

Mr. Warner: You do a fine job with a dictionary.

Mr. Bullbrook: Mr. Chairman, I want to tell you that during the course of this debate, if my colleague from—I forget the riding; Scarborough-Ellesmere—wants to join in, I'm only too prepared to resume my seat.

Mr. Warner: It may take a week.

Mr. Bullbrook: I don't intend to take that long, believe me. I'm trying to set the tone for the debate because it's going to be a significant debate.

Mr. Warner: You have done that.

Mr. Bullbrook: However, we'll put up with that. I appreciate it. Mr. Chairman, I'll direct my remarks to you and to my colleagues through you.

If I may say, there is nothing unattractive to me and, I think, to my colleagues of the Liberal Party in the words person, firm, association or corporation. I think for the sake of exemplification that "body" is a redundancy and not needed in law. It's the question of one or more workers in his or its service. What that does, in effect—and I'm not sure the minister will agree with me but I'll direct my comment to her through you.

We're eventually going to get into a question of whether we're involved in a numbers game in the application of the statute. I don't feel it belongs in the definition section.

It belongs in section 4(1) when we decide in section 4(1) whether it's more appropriate, for example, as my thought is, that we make it mandatory—not the word may, but mandatory—on the minister to impose the health and safety committees where there isn't one which is satisfactory to both employee and employer. That's the intention I have.

As to the definition expressed in committee by the New Democratic Party, fine. They had to make an arbitrary decision and they decided on 10, was it not? I think it was 10. Be that as it may, I don't think the numbers game is an appropriate game.

To begin our discussion of the statute by playing a numbers game as to what constitutes an employer is not appropriate. Frankly, I don't know why it's needed. Why don't we just say an employer means a person, firm, association, or corporation which has, in connection with the operation of its employment, employee, if you want to?

I don't know why we get into it. Again, I beg the pardon of the chairman and the member for Scarborough-Ellesmere but I want to say this to you—the purpose of this is not to play games. It totally won't be as far as I'm concerned. This purpose is to get the best statute possible.

[10:30]

We have heard a tremendous number of briefs; some of which bordered on the sublime, some of which were the contrary in words. We want to work together—

Mr. Deans: We accept that.

Mr. Bullbrook: —and I'm sure we can work with the member for Nickel Belt.

Mr. Laughren: Mr. Chairman, may I respond to that? I agree with most of the remarks of the member for Sarnia, and I will say to him two things: One, that the definition of employer is not entirely out of my mind, it's from another statute or at least partly drawn from another statute. The word "body" is included to make sure that everything was included. If it is redundant I accept that is possible and I would be quite willing to have that word removed from the section. I agree with the member—

Mr. Chairman: The time for adjournment has arrived.

Interjection.

Mr. Laughren: Well, won't let a guy finish his sentence either, you know.

Mr. Deans: Let's put it to a motion.

On motion by Hon. Mr. Welch, the committee of the whole House reported progress and asked for leave to sit again.

Hon. Mr. Welch: Mr. Speaker, I know there is some special consideration being given to a question of one of my colleagues, but before you proceed with that may I indicate that on Thursday we were hoping to do second reading of Bill 170 and then to go back into committee of the whole House to carry on with this legislation, plus whatever else may be in committee of the whole House.

Mr. Speaker: The House was notified earlier this afternoon that I was duly and properly informed by the member for Bellwoods that he was not satisfied with the answer to a question directed to the Minister of Health and he wished to raise it at the close of the meeting this evening.

So, in accordance with section 28(a), I deem a motion to adjourn to have been made and I now call upon the member for Bellwoods. He has five minutes to explain his position.

FUNDS FOR SPECIAL FACILITIES

Mr. McClellan: Thank you very much, Mr. Speaker.

In 1974 the Legislature passed The Developmental Services Act, which transferred mentally retarded people from the jurisdiction of The Mental Health Act to The Developmental Services Act by way of providing the legislative framework for implementing the Williston report on normal community living for the mentally retarded.

When that was done a major oversight was committed, as follows: The mentally retarded were no longer protected by the services of The Mental Health Act in the event they had a mental illness. Some centres have managed to overcome this problem but it remains a serious problem at the Huronia Regional Centre. A number of tragedies have occurred.

On November 22 the Minister of Community and Social Services (Mr. Taylor) tabled the Willard report which was commissioned as a result of a number of serious community tragedies in the Orillia area. When he tabled that report, he said: "The Minister of Health has agreed to undertake with me an immediate review concerning the provision of psychiatric services with a view to inaugurating, insofar as it is feasible, the special psychiatric units under The Mental Health Act which are being recommended by the Willard report.

The Willard report is an excellent report which is eminently supportable by all members of this House, because it addresses itself to the serious problems caused by the gap created when The Developmental Services Act was enacted.

When I asked the Minister of Health on December 2 when, in effect, he would proceed to implement the recommendations of the Willard report as promised on November 22, I understood, by the Minister of Community and Social Services, the Minister of Health left real doubt as to whether he intended to proceed at all to implement the recommendations of the Willard report.

I want to stress how urgently we view this matter and what high priority it has. There are two things at stake: The most obvious is that every-day psychiatric facilities are not available for potentially dangerous and harmful retardates who are also emotionally disturbed, the likelihood of further tragedy is increased, and the very lives and safety of the residents at Huronia Regional Centre are endangered.

But secondly the future of the whole programme of normal community living for the mentally retarded—the programme of deinstitutionalization, of desegregation—is threatened by virtue of the failure to implement and to provide psychiatric facilities for emotionally disturbed retardates.

I want to remind you, Mr. Speaker, that this matter was raised by us on April 13, 1976. I suggested to the minister that he do precisely that—that he establish some kind of half-way facilities under the jurisdiction of The Mental Health Act. The Minister of Community and Social Services said then, "I think the capacity is already there." I pointed out, "But there are no facilities"—and today there are still no facilities. I want an assurance from the Minister of Health that he will proceed to set up the facilities now—not in the 1977-1978 fiscal year and not in April or May but now—so that they will be in place as quickly as possible. I understand from his response that this means in March.

We are facing at least a year of delay from the time that the obvious solution, not dreamt up by us but ascertained after consultation with those who are responsible for the provision of service, was first brought forward. Surely, the retarded in institutions

have a right to security, to freedom from harm and danger. It's the responsibility of government to provide that and it owes this right to their families. It should be a matter of urgent priority and I urge the minister to give us the assurance that we can look forward to speedy action on this very pressing matter.

Hon. F. S. Miller: When the hon. member spoke to me, both during my estimates when he was overruled by the chairman and later during question period, he was really asking whether moneys were being made available in supplementary estimates for this particular programme. I pointed out that there was no need to do it—that they would appear in the 1977-1978 estimates if, as, and when required. At the same time I did not try to imply that there was no action being taken. I believe he made that assumption.

Reports are not immediately translated into facilities. I think this report is getting faster and more thorough attention than most. There are 69 recommendations. I don't know how many of them apply to Health but I would guess perhaps a third of them do. We can accept the great bulk of them. We may not agree in full detail with all of them in the final analysis, but that's pretty normal.

At the same time we have already set up, I understand, a committee of three people who should start looking at the various patients and residents to determine which should be in psychiatric facilities and which should not. Therefore we've accepted the main premise, that there should be a differentiation.

Secondly we will find places to put them in two or three of our facilities—not necessarily Huronia, but not necessarily excluding Huronia—as quickly as we can determine where they are best cared for.

I can simply say that the question of the dollars is the least important of the problems. It is simply, for the time being, a transfer from one ministry to another rather than an addition of absolute dollars to the total government budget. I can only assure the member that it is proceeding quickly, is getting the attention it deserves and will receive the priority from me that the member feels it merits.

Mr. Speaker: I deem the motion to adjourn to have been carried.

The House adjourned at 10:40 p.m.

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No. 133



Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Third Session of the 30th Parliament

Thursday, December 9, 1976

Afternoon Session

Speaker: Honourable Russell Daniel Rowe
Clerk: Roderick Lewis, QC

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LEGISLATURE OF ONTARIO

THURSDAY, DECEMBER 9, 1976

The House met at 2 p.m.

Prayers.

POINT OF PRIVILEGE

Mr. Germa: Mr. Speaker, I rise on a point of privilege. You will recall that on Tuesday last, December 7, I brought to your attention the problem the public accounts committee was having in seeking information from the OHIP files as it relates to practitioners' incomes from OHIP.

Within the last couple of hours it has been brought to my attention that the Ontario Medical Association will be seeking a court injunction restraining OHIP from supplying said committee with said information.

I would therefore request, Mr. Speaker, that you issue your warrant, demanding that the information requested by the committee be supplied, returnable within 72 hours, for the committee's use only.

Mr. Speaker: I'll have to take that under advisement and report back to the hon. member. This is the first I've heard of this, so I'll report very quickly back.

Mr. Germa: Mr. Speaker—

Mr. Speaker: That's all I can say at this time. I can't do anything else about what somebody else is going to do outside the House, I point out to the hon. member.

Mr. Lewis: On a point of order, Mr. Speaker, did my colleague not raise with you the question of the issuance of a Speaker's warrant in respect of this matter a day or two ago, and are you not in a position to report to the House your authority in this matter?

Mr. Speaker: I don't recall the matter of the Speaker's warrant at that time. I'll have to check that. I missed that.

Mr. Lewis: If memory serves me, Mr. Speaker, with respect, I think in fact this precise point was made by the chairman of the public accounts committee—the need to turn to a Speaker's warrant. This is a pretty serious matter when members of the Legislature are denied public information to which they may well be entitled and we would urge your immediate intervention.

Mr. Speaker: I'm sorry if I missed that point. If you will recall, at that time the hon. minister made an explanation and I wasn't sure whether it satisfied the hon. member or not. But I shall surely pursue it early this afternoon.

Mr. Foulds: Mr. Speaker, if I might, I specifically raised the matter subsequent to my colleague from Sudbury, and asked you to issue a Speaker's warrant—I specifically used that term—on Tuesday last.

Mr. Speaker: Again, I am sorry if I missed that. I really did. I shall pursue it immediately, though.

Statements by the ministry.

The Minister of Natural Resources.

Mr. Stokes: Say it isn't so.

Mr. Lewis: This is a memorandum of understanding with the Minister of Industry and Tourism.

Hon. Mr. Bennett: Mr. Speaker, free enterprise shall reign.

Mr. Speaker: Order, please. Surely I don't have to reprimand the hon. members for this outburst. The hon. minister has a statement, I believe.

CAMPING IN PROVINCIAL PARKS

Hon. Mr. Bernier: Mr. Speaker, I am rising to assure all the hon. members that despite the impression which may have been created by this morning's Globe and Mail—

Mr. Lewis: They do it to you every time.

Hon. Mr. Bernier: —there will be no closing of any campgrounds in provincial parks in Ontario, nor will there be any reduction in the amount of campsites available to the public. Any suggestion to the contrary is simply untrue.

Mr. Lewis: What?

Mr. S. Smith: I saw the minister on television myself.

Mr. Nixon: What is the minister talking about?

Hon. Mr. Bernier: Mr. Speaker, in my opening statement in the debate last October on my ministry's estimates I said very clearly, openly and publicly that my staff were exploring ways to ensure continued high service to the camping public at the lowest possible cost to them and at the most reasonable cost to the government.

Interjections.

Mr. Speaker: Order, please.

Hon. Mr. Bernier: I also indicated then that as an experiment, in two out of 123 provincial parks the campgrounds were run by private operators last summer. They were at Sturgeon Bay and Inwood parks. The entry fees and the camping fees were the same as those charged at other provincial parks. Let me repeat that. There was no increase in the fees at those parks and the service level was supervised to ensure that it was better than or equal to the publicly-run parks.

Last week in Sudbury I was asked by the Northern Ontario Tourist Outfitters at their annual conference if more privatization of campgrounds was planned. I mentioned that our experiment would continue and that this coming season two more parks may have campgrounds operated privately. I stated clearly that no fee increase will be allowed over the rate charged at the other provincial parks where campsites are available.

I approved the experiments just described so that we might continue to explore other ways of providing public camping facilities at reasonable cost, as was recommended in the Special Programme Review under the chairmanship of Maxwell Henderson, the former Auditor General of Canada. The suggestion in the Globe and Mail story this morning that there would be a reduction in campsites available to the public is simply wrong.

Another point is that when I was questioned by newsmen yesterday about this matter, I made it very clear that this matter had not been discussed by cabinet and that there had been no policy change.

Mr. Conway: There's no policy.

Hon. Mr. Bernier: May I suggest the members check the Canadian Press story, written right after I was interviewed by the newsmen. It states that no policy change has been made. The Globe and Mail story is a sad distortion of our government's justly-praised effects—

Mr. Breithaupt: I heard you this morning.

Mr. S. Smith: I saw the minister on television. He has a double on television.

Hon. Mr. Bernier: —to seek ways to ensure better, high-quality and continuing camping facilities for the people of the province of Ontario. This is a programme that I'm proud of and we intend to keep it that way.

Interjections

Mr. Speaker: Order, please.

TRAINING SCHOOLS ACT

Hon. Mrs. Birch: Mr. Speaker, on May 5, 1975, the Legislature enacted The Training Schools Amendment Act, 1975, repealing section 8 which allowed a family court judge to commit a so-called unmanageable child to training school if no other programme was appropriate and if training school was thought to be needed.

Mr. Singer: Mr. Speaker, could we do something to be able to hear the minister? We can't hear what she's saying.

Mr. Speaker: Yes, we can give full and rapt attention. But I may say we are having some difficulty, I understand, with the sound system this afternoon.

Mr. Singer: Yes, we can understand that too, but we can't hear her.

Mr. Speaker: Order, please. That's not helping. I would ask all the hon. members who have the floor to speak up and the rest to co-operate, and I'm sure we'll be able to manage. Sorry.

Hon. Mrs. Birch: Mr. Speaker, on May 5, 1975, the Legislature enacted The Training Schools Amendment Act, 1975, repealing section 8 which allowed a family court judge to commit a so-called unmanageable child to training school if no other programme was appropriate and if training school was thought to be needed. This amendment, which was supported by all members in this Legislature, reflected the view that it is inappropriate to incarcerate a child who has not committed a criminal offence. Proclamation of the amendment Act has been delayed to allow the province to study the implications of the repeal and to allow further time for communities and the courts to adjust to the change.

We have seen admissions under section 8 drop from 604 in 1972 to 143 in 1975. There were 72 up to November 30 of this operating year. Most of the recent admissions are from distinct pockets in the province, and the fact that such admissions continue does not necessarily reflect the lack of alternative community resources. A few family court judges continue to use section 8 and would, I suppose, continue to do so as long as it is legally possible.

On the other hand, this Legislature is committed to the repeal of section 8 and to delay further would be to allow the flow of cases, albeit greatly reduced, to continue for an indefinite period. We have concluded, therefore, that we must proclaim the Act. The Training Schools Amendment Act, 1975, will be proclaimed on January 1, 1977.

As of December 3 of this year there were 786 children still in the wardship of the Minister of Correctional Services (Mr. J. R. Smith) under section 8 of The Training Schools Act. Of this total, 103 are in training schools. Others are in group homes, foster homes, special treatment centres and their own homes. After proclamation, some will still remain where they are. I would find myself placed in an unconscionable position if all of these children were to have their wardships terminated on January 1 with no regard for their care. Many of them are responding positively to the care and the treatment they are receiving and it would be irresponsible to move them from their community placements.

Of the 103 children still in training schools, 42 are expected to be returned to their own homes. Another 15 children will be placed in the ministry's group homes and 26 will go to ministry-supervised foster homes. Twenty others will be placed in boarding homes, treatment centres and special facilities. Each case is being individually reviewed by officials of the Ministry of Correctional Services so that the child will be placed in the most suitable location according to his or her needs, and an after-care officer is being assigned to each case.

[2:15]

In the placement of those wards who present particularly severe problems, the ministry's work is being assisted by a special committee of the Interministerial Council for Troubled Children and Youth. Some 25 cases are currently being reviewed to work out a co-operative plan for the placement of each child.

It is the aim of the Ministry of Correctional Services to have moved all section 8 wards from Training Schools by September 1, 1977, and to terminate wardships under section 8 just as soon as suitable alternatives to wardship can be found. The Minister of Correctional Services will direct his officials that, after proclamation, any children who remain as wards under section 8 are not to be returned to training school under the repealed section of that Act.

The repeal of section 8 is a necessary and a proper action. I hope the support of all members will continue as we grapple with some of the larger issues surrounding the problems of those children who require our special attention.

We have already taken some administrative steps. As the Minister of Health told the House last week, his ministry issued a directive on November 23 restricting the circumstances under which a psychiatric hospital can lay charges against children in its care. The directive notes that, first, charges cannot be brought simply to relocate a child who is difficult to manage, and second, each case must be reviewed by the minister.

The ministries of Correctional Services, Community and Social Services and Health have advised their staffs and agencies that records must be forwarded immediately or delivered by accompanying staff when a child is transferred from one facility to another.

In a concerted effort to deal with young children who are severely disturbed, we will transfer the services and programmes of White Oaks Village to the Ministry of Health from the Ministry of Correctional Services on April 1, 1977. As most of the members know, White Oaks has provided care for boys under 12 years of age in a family-like setting, with an educational programme designed to meet their needs.

Admissions in the past have been limited to those committed by a court order. We propose to make it available to a wider population, and for the first time to include girls. It will be operated as a direct service of the children's mental health services branch of the Ministry of Health. The facility will serve both wards of the Ministry of Correctional Services and Children's Aid Societies. Priority will be given to those children for whom no other community child-caring or treatment resource is available.

We are working on further plans which I hope to share at a later date in more detail. In this regard, there will be dollars available for selected areas of the province with special needs. However, I would like the members to know now that our priorities include the

establishment of a small, secure, treatment unit for severely disturbed adolescents.

Some of the members are already aware of the work of the Council for Troubled Children and Youth, with representation from seven ministries, which is headed by a full-time chairman and which reports to me. I hope I can impart to the House some of the enthusiasm and the goodwill that this interministerial council is showing in dealing with the complex issues related to troubled children.

In co-operation and in consultation with non-government people, the council is working on some of the broader and more troubling aspects of our shared concerns. For example, the council, with an expanded mandate from cabinet, will be studying the provision of residential services to children and youth. We are embarking, in fact, on a widespread review of special provincial services to children in order to develop guidelines for the continuation of services and the co-ordination of these services.

This is an enormous and important task, crossing ministries and policy fields. The council has already worked to assist in the transfer of White Oaks, and its recommendations are being sought in identifying areas of this province in need of selective funding. I might add here that we hope in general to put the dollars into programmes rather than into capital projects.

Such a project is already under way—without the assistance of our special funds—between the ministries of Correctional Services and Health. Each ministry has contributed $40,000 on a contracting arrangement for the purchase of service on a one-to-one basis for correctional wards with special needs. It is a very modest programme but it clearly demonstrates the direction in which this government intends to proceed by putting money with the child. For instance, one former ward of Hillcrest Training School, with many earlier unsuccessful placements, is now in a specialized foster home with a daily worker and a consultant to assist the boy and his foster parents.

We are committed to doing our best for children and youth with problems. I should caution, however, that we probably will never have all the answers. The public expectation that our workers can take these damaged children and effect a magic "cure" cannot always be realized. There will be some failures. It remains that what children need most is effective parenting. It is truly a sad fact that we cannot achieve full success in the treatment of every child who comes into our care. But we must never lose sight of the thousands of children who are assisted by the caring attention of teachers, child-care workers, after-care workers, probation officers, doctors and many others. They too are committed to the improvement of the system and they deserve our support. It is, after all, the mutual objective of all of us to see that each child receives our help in the most appropriate setting for his or her needs.

REHABILITATION WORKSHOP PROGRAMMES

Hon. Mr. Taylor: Mr. Speaker, in response to the questions raised by the Leader of the Opposition earlier this week concerning rehabilitation workshop programmes, I would like to provide details on the status of approvals and funding of these programmes. My reply of November 29 to the November 18 letter of the Georgian Bay Council for the Mentally Retarded, advised their chairman of the same information I am now sharing with you.

The Leader of the Opposition asked for an explanation of the "absence of government support" and specifically referred to "delays" within my ministry in regard to rehabilitation workshop programmes. An outline of the progress of specific projects shows, to the contrary, that government has given heavy support, both in funds and staff resources, and that in fact much has been accomplished in a very short period of time.

Port Elgin Life Skills project: The member has asked why no funds had been received. The facts show that while the purchase of service agreement was only finalized on October 20, a cheque was mailed from Treasury on November 15, even before my colleague and I received the inquiring letter from the Georgian Bay Council.

Collingwood Life Skills programme: The Leader of the Opposition will surely see that on projects such as Collingwood, this ministry certainly left no one "hanging." Our first contact on this project was in May. Within one week a staff person was sent to Collingwood to discuss the project. By the beginning of June, their project had been drawn up, with ministry staff assistance, and had received approval in principle. Despite the project changing from a life skills to a work and training proposal, by September the ministry had assisted them in every way, including the preparation of a legal agreement.

Before final approval was given, the workshop had taken on new clients in September. The final details of their proposal were approved this week and in fact, to assist them, the ministry has backdated their approval to September 1, to cover those clients accepted before the legal agreement and budget had been finalized. This kind of flexibility on the part of the ministry shows our concern to assist these workshops, many of which operate on volunteer resources.

Orillia Life Skills and Transportation proposals: Again this project shows there have not been the kinds of delays the Leader of the Opposition suggested in his question. Their request first came to my ministry on June 29. Many parts of the proposal needed working out between the ministry and the association, because they had in fact made three proposals—a life skills, a transportation and a group home proposal. They had not decided whether they wanted to utilize existing government-leased space in Orillia, for the life skills programme, or explore the feasibility of leasing their own space.

The transportation proposal needed better definition as it was not tied to any other specific programme. Rather than merely rule it ineligible under the workshop programme, the ministry made every effort to work with the association to develop a new proposal which would integrate the transportation proposal with other proposals.

A change in their workshop manager in September, their lack of viability to support a group home which they had proposed, and the lack of integration of their three proposals, necessitated more detailed discussions on their projects. A further meeting had already been scheduled for December 16 between the local association for the mentally retarded and ministry representatives, to discuss the three proposals so that they could be delivered in a co-ordinated manner prior to approving the rehabilitation parts of the proposals.

Mr. Lewis: So, in fact, nothing happened in that case?

Hon. Mr. Taylor: Dufferin Life Skills, Owen Sound Life Skills and Walkerton Expanded Work and Training proposals: These proposals were all submitted in August, after allocations for workshop funds had been made. In light of the very rapid growth of the workshop programmes in the first half of this fiscal years, it was necessary to secure approval for additional funding. Although the Leader of the Opposition suggests it is irresponsible to give approval in principle but no funding immediately, thereby leaving groups "hanging," it is my belief that these workshop programmes are of such value that additional funding is a good investment. Additional funding was secured earlier this month, so approvals on these programmes can be made immediately.

Mr. Lewis: That's right. After they harried you, you gave them money.

Hon. Mr. Taylor: Barrie: It was only in June that Barrie requested assistance from the ministry to analyse their needs and they were, in fact, nowhere near developing a proposal to meet those needs. Due to vacations and the summer recess of the workshop, it was agreed that fall would be a good time to discuss the programme evaluation. By September, allocations had already been made for funds, but rather than suggest they not develop a proposal, my ministry staff agreed to meet with the Barrie workshop when the financial control guidelines had been established, as these would be the key to the development of any proposal.

In keeping with our commitment to conduct the programme evaluation and discuss the budget guidelines with this workshop, I anticipate a ministry consultant will be in Barrie in the very near future, now the guidelines are established. We have already had several conversations with this group, so some information has already been conveyed and some background work completed.

Glengarry ARC Industries: The leader of the third party specifically asked me "why money never seems to arrive there" and why, for a second month in a row, they didn't have money to pay salaries. The fact that a cheque for $7,272 left Treasury on October 27 for their September claims and one for $6,381 left Treasury on December 1 for their October claims—

Mr. Lewis: After it was raised.

Hon. Mr. Taylor: —shows that money in fact does arrive there.

Mr. S. Smith: It did—after Villeneuve asked for it.

Hon. Mr. Taylor: Since in both cases, as with the majority of workshop cases, there was less than a three-week turnaround time from receipt of claims to issuing of cheques, there is no delay in payment to workshops.

As the member asked me to look specifically into the workshop in Alexandria—

Mr. Speaker: Order, please. Might I point out that there must be a microphone open and some conversation taking place next to it, which is further interfering with the sound in the—

Interjections.

Mr. Speaker: Order, please. That's not helping. Would you just keep your private conversations down, please? The hon. minister will continue.

[2:30]

Mr. Sargent: He is not going to say anything.

Mr. Roy: We don't mind. That is just Bette giving advice to John.

Mr. Sargent: Advice to the lovelorn.

Hon. Mr. Taylor: As the member asked me to look specifically into the workshop in Alexandria and this month's claims, I would like to report the claims were received by the ministry on November 10; approved by the rehabilitation branch; forwarded to accounts and Treasury, and a cheque actually left Treasury on December 1, before three weeks had passed—well before the member's question to me.

As a result of the interest expressed by hon. members in the rehabilitation workshop programme, I would now like to provide information on the overall programme to date. To provide work and training opportunities for the retarded and handicapped, my ministry has increased the budget for workshops by $5.1 million, from $12 million last year to $17.1 million this year. This is an increase of 42 per cent. The expansion of the 138 workshops in the province will, by the end of this fiscal year, serve 7,750 people.

Mr. R. S. Smith: It is all federal money that you didn't spend last year.

Mr. S. Smith: Did you put a federal label on it?

Hon. Mr. Taylor: The workshops have also expanded the range of programmes they can offer in assessment and training, sheltered employment, life skill programmes and work placement projects.

Interjections.

Hon. Mr. Taylor: Ninety-one proposals for programme expansion have been received by the ministry this year. Of these, 57 have been approved to date. The other 34 will be reviewed and processed within the next 30 days.

Mr. Conway: Filibuster.

Hon. Mr. Taylor: I thought you were interested in workshops? I think you would be concerned about the workshops—

Mr. Conway: Filibuster.

Mr. Speaker: Order, please. The hon. minister will continue with his statement.

Hon. Mr. Taylor: This dramatic growth necessitated a radical change in both our ministry's involvement and the workshop operations themselves.

Mr. Cassidy: Statements should be limited in time, especially his.

Hon. Mr. Taylor: To assure the effective delivery of the programmes and the efficient management of public funds, my ministry has over the past six months instituted various administrative changes. In June, the workshop programmes for the mentally retarded and the workshop programmes for the handicapped were put under one administration. This was done to take advantage of the expertise that has been developed within our ministry.

Six community employment officers have been hired to assist the workshop managers and the associations for the mentally retarded. Moreover, each of the 19 district offices of this ministry have allocated a staff member to provide liaison with the workshops to streamline the administration. In addition to this staff assistance, we will, in the near future, provide the workshop managers with financial control guidelines. In the past they have been dependent largely on volunteers for assistance in financial management.

At the beginning of this year our goal was to create 755 new places for work and training. In fact, we will have more than doubled our target—we will have 1,870 new places by the end of the year. This represents an increase of 32 per cent over last year's total places of 5,880.

I have received many encouraging letters from associations, and from the Ontario Association for the Mentally Retarded, who can see from their provincial view the vast growth and opportunities in this area in a short time.

Mr. Conway: I can imagine.

Hon. Mr. Taylor: Such growth would certainly suggest that, contrary to the Leader of the Opposition's statement, there is optimism not depression in the area of workshop expansion.

Mr. Conway: Point of order, Mr. Speaker—

Mr. Speaker: That's not really a point of order but it's a good point.

BUMPER STICKERS

Hon. W. Newman: Mr. Speaker, the members will notice on their desks today bumper stickers that promote our Niagara grape and wine industry. I'm sure all the members will use the stickers proudly on their cars and they are published here in the province of Ontario. I would ask members to put their bumper stickers on to help promote a very fine industry here in the province of Ontario.

Mr. Stokes: That is something like being your own liquor control board.

An hon. member: High-powered government action.

Interjections.

Mr. Speaker: Order, please.

Oral questions.

CAMPING IN PROVINCIAL PARKS

Mr. Lewis: Mr. Speaker, a question first to the Minister of Natural Resources. What did he say to the media which resulted in such unhappy misinterpretation of his customary verbal precision? Did the minister, in fact, indicate he would, over a period of time, reduce the number of campsites, or alternatively that he would turn a number of campsites into the hands of private operators in order to satisfy his insatiable need to reprivatize everything in sight?

Hon. Mr. Bernier: Mr. Speaker, there was a question raised, as I said in my opening statement, at the NOTO convention in Sudbury, at which time they questioned the government's direction with regard to the privatization of provincial parks. The member will recall that in the Henderson report there was a suggestion that we go in that particular direction, provided the quality of service and the price the public would pay were maintained.

We did embark on an experiment last year with two of our smaller provincial parks. We put them up for public tender. We received a number of proposals for Sturgeon Bay and Inwood parks. They operated last year, just on a year's lease. We didn't really get a tremendous amount of information from that one-year experiment. We are looking at the possibility of putting two or three other parks in the province of Ontario into the same field, maybe for a year or two longer, to give us a better feel, a better picture and more information as to how this could really work.

We are anxious, of course, to narrow the gap between the cost of operating and the amount of money we receive in our fees, a deficit of about $11 million. We don't intend, in any way, to reduce the 21,500 campsites in our provincial parks system, either through our own maintenance of those sites or through the private sector. The private sector at the present time has about 40,000 provincial campsites in the province of Ontario and it indicates to us they are getting stronger, they are doing a much better job.

If members look at the Algonquin Park master plan, I think it's a typical example. We are looking at it very carefully. The pressures on that particular area are tremendous, with the growing numbers of people who are visiting that particular park. It is obvious to us that we have to move out the camping sites there and put them into our satellite parks, which is part of the master plan programme. So we are moving on that but not in any way reducing the number of campsites.

Mr. Lewis: Is the minister prepared to give an undertaking that the sites at present available in the public parks, for the use of families in Ontario, will be maintained at a price no higher than that which the ministry charges, if run privately? Can the minister tell us what's wrong with some margin of public subsidy in order to facilitate inexpensive campsites for average working families in Ontario? What's wrong with that principle?

Hon. Mr. Bernier: I believe if the member had heard my remarks, I indicated that was this government's intention, to maintain that number of campsites at that price.

Mr. Lewis: That is not what I read.

Hon. Mr. Bernier: That's what we intend.

Interjection.

Hon. Mr. Bernier: There's a margin of subsidy, one might call, in the park system; we agree to that. It's substantial at the present time and it's growing, it's growing each year. We are concerned about it and we are looking at ways to give a better service to the general public at a price the public can pay. We are very firm on that point.

Mr. Warner: You won't have to worry about the trees either.

Mr. S. Smith: By way of supplementary, regarding whether there is a misquote or not: Could the minister confirm if that was in fact he himself speaking on television last night, when I watched and heard him say there are two long-term policies in his ministry? One was to end, gradually, on a long term, overnight camping in the parks, "reserving the parks for other purposes such as day use," and secondly, to turn over what camping does exist, gradually, to "the private sector." Was that not he that I saw on television saying those things?

Hon. Mr. Bernier: That quote might not be exactly what I said.

Mr. Conway: Get the Minister of Transportation and Communications to make your speech.

Mr. Roy: You have had sober second thoughts, have you?

An hon. member: Did the leader of the Liberal Party take it down in shorthand?

Hon. Mr. Bernier: I think he might be putting words in my mouth, but I have just repeated to the Leader of the Opposition the thoughts that we have within the ministry. We are looking at it very carefully, as a responsible ministry should; looking at the overall programme, the programme of recreation, and we are proud of it. Last year we catered to about 11 million people in the province of Ontario, in 123 provincial parks.

Mr. Lewis: Don't destroy it.

Hon. Mr. Bernier: That's 10 million acres of this beautiful province that we are going to continue to maintain.

Mr. Lewis: Have you thought of another ministry, perhaps?

Mr. Foulds: Supplementary: Did you actually say there were so many rules and regulations under the Ministry of Natural Resources, within the public park system, that they could not operate them effectively against the private parks system? Isn't the solution, if that is a problem, streamlining those rules and regulations and ensuring the rules and regulations protect the public interest?

Hon. Mr. Bernier: We believe on this side of the House that there are areas that the private sector can operate in and operate much more effectively and efficiently than government. That's the thrust of what I said.

Interjections.

An hon. member: Have you mailed a letter lately?

Mr. Reed: I wonder if the minister is aware that the Ontario Provincial Parks Council has addressed itself to this problem and had a draft policy statement ready to submit to the minister? Has the minister not gone ahead with a policy statement without consideration for the Ontario Provincial Parks Council?

Mr. Good: Which he set up.

Hon. Mr. Bernier: I have been in touch with Dr. Priddle of the Ontario Parks council and we clarified the erroneous press statements as of today. He has been instructed to carry on with this policy submission.

Mr. S. Smith: When, when?

Mr. Bain: Could the minister answer whether in fact the move toward privatization is not an effort to hide the fact that the government is not able to monitor campsites properly, there is an increased amount of rowdiness and the ministry doesn't want that to become a problem because it can't seem to handle it, and so it is turning the parks over to private interests? Could the minister also indicate to the House how many rebates were made in provincial parks across the province last year, and for what total sum of money, to overnight campers who put in a complaint and demanded a rebate because of the rowdiness and their inability to get a decent night's sleep?

Hon. Mr. Bernier: The answer to the first part of the member's question is, no. I would be glad to get the information with regard to the number of rebates and direct it to him personally.

Mr. Speaker: We have had now eight minutes on this particular question. I think the hon. Leader of the Opposition should direct a new question.

OHTB BUS LICENCE

Mr. Lewis: Mr. Speaker, a question of the Minister of Transportation and Communications: In light of the review of the Gray Coach-Greyhound decision, which he ordered yesterday, does the minister not think it both logical and fair that an extension of that review be the prohibition, directed at Greyhound, against its using the routes granted to it until the cabinet has issued its final decision?

Hon. Mr. Snow: No, Mr. Speaker, we have not made that decision.

Mr. Lewis: By way of supplementary, why would the minister want to sharpen the confrontation, develop the public expectation and anxiety and create all the unnecessary arguments that will flow from granting Greyhound these routes in the interim period? Surely it is a logical extension of the minister's position to have them hold back until the cabinet has decreed?

Hon. Mr. Snow: I don't agree with the hon. member that that should be done.

Mr. S. Smith: By way of supplementary: If, as the minister's statement suggests, he is not yet satisfied that the board fully considered the future of the routes to the smaller cities and towns in Ontario, and if he is not satisfied that the board fully considered the financial status of Gray Coach, then in the absence of such satisfaction on his own part, why would he permit Greyhound to continue to possibly damage the viability of Gray Coach and those particular routes?

Hon. Mr. Snow: This matter is going to be considered as expeditiously as possible. I do not think the period of time that will be involved will have any major damaging effect on Gray Coach, and in fact it may be very worthwhile to be able to observe the experience of the two companies running on that route.

[2:45]

An hon. member: We're not going to let them run—

Mr. Speaker: Order, please.

Mr. Breaugh: Supplementary: Does the minister have any proposals to make to those poor souls who have already lost their jobs, or will lose them, while the minister is doing this waltz around the block?

Hon. Mr. Snow: No, I don't believe that will be the case.

Interjections.

KIRK FOLEY

Mr. Lewis: May I ask the Premier: Has it yet been determined which riding the Premier has in mind for Mr. Kirk Foley, president of the UTDC, as the Conservative candidate in the next provincial election?

Hon. Mr. Davis: Unlike the New Democratic Party of this province, which makes allocations of candidates to particular ridings—

Some hon. members: Oh, oh.

Hon. Mr. Davis: —ours is a totally democratic party, where those decisions are made by the local riding organizations, so I can't help the Leader of the Opposition. I only wish that we find qualified candidates, unlike the NDP, in all the ridings of this province. It will be done democratically by the local riding associations, which the NDP should try some time; it would be a revelation for them.

Mr. Speaker: Are you sure that was of urgent public importance?

Mr. Lewis: On a point of privilege, Mr. Speaker. All I was seeking was confirmation of the rumour, and now I've received it. Thank you very much.

Mr. Conway: Taylor's parachute is still open.

Interjections.

Mr. Speaker: Order. We're wasting valuable time.

PICKERING NUCLEAR GENERATING STATION

Mr. S. Smith: A question for the Minister of Energy: Does he yet have an answer to my question of some time ago, regarding the alleged secret document, known as the Pickering Safety Report, and can he confirm some of the allegations that were made in an excerpt from that particular book, which I referred to?

Hon. Mr. Timbrell: I have an answer, which I'm not entirely satisfied with; there is some technical data used which I don't entirely understand. But I can tell the hon. member that the report referred to is not a secret document; in fact, a copy of it was filed with the royal commission on electric power planning a number of months ago.

Mr. S. Smith: Thank you very much. If that's the report, we'll await the answer when it's completed.

CAMPING IN PROVINCIAL PARKS

Mr. S. Smith: A question to the Minister of Natural Resources: Can the minister explain why it is he would make any statement at all on the subject of privatization of campsites, when in fact he has an Ontario Provincial Parks Council, which he lauded greatly in the Legislature on June 7, 1976, and that council, headed by Dr. Priddle, was looking

at precisely this matter and already has a draft policy statement? Just for his information, I will tell the minister that Dr. Priddle says he is "appalled" and "extremely upset" that the minister would make his statement without consulting his own council.

Hon. Mr. Bernier: I would refer the hon. member to the statement I made just a moment ago in connection with the direction that we've taken with regard to privatization. It followed the report of the Special Programme Review Committee. It was in place last year; we gained some information from it over the short term. We're looking for more information on a longer-term basis and we'd like to add maybe one or two more this particular year.

We've also asked the parks council to continue its examination of that particular policy and to move ahead jointly with us.

Mr. Breithaupt: No much point now.

Mr. S. Smith: They're not going to do very much for you now.

BROWNDALE OPERATIONS

Mr. S. Smith: A question for the Minister of Health: In view of the cancellation of the management contract between Browndale Ontario and Brown Camps residential and day school, a contract which netted Brown Camps close to $1 million a year, why has there been no decrease in the Browndale per diem, as there was in British Columbia, for example, when the management contract there was brought to an end? What's happening to that $1 million? Why are they able to fold it over into this year's budget?

Hon. F. S. Miller: First of all, if the hon. member will look at this year's budget, I think he'll find there's absolutely no increase in the per diem over last year, when virtually every other organization dealing with us had an inflationary increase. We've looked fairly carefully at the costs of Browndale and we're satisfied at the present time that we're getting value for the money spent. As the member knows, a fair audit was done last year to determine whether people were on two payrolls. We are satisfied they were not.

Mr. S. Smith: By way of supplementary, can the minister explain why he now says there was no increase, when he answered me in this House in November and said there was a three per cent increase? Furthermore, why was there no decrease the way there was in British Columbia when a similar management contract which had inflated the budget by a similar amount of money was cancelled? Why was that $1 million allowed to be folded into the next year's contract?

Hon. F. S. Miller: I think the member is jumping to conclusions. The three per cent increase, in effect, took place because there are three per cent fewer children in the system this year for the same number of dollars.

Mr. S. Smith: That's exactly what I was saying. A further supplementary on this particular point: Is the minister prepared now to explain to me, since the only matter that concerns him, according to his previous answer, was whether they are getting good value for the money, why he still insists that Browndale be a non-profit organization? Can he explain the logic in insisting it be non-profit, if all he cares about is whether he is getting value for the dollar?

Hon. F. S. Miller: I don't recall ever insisting it should be non-profit.

Mr. S. Smith: The ministry does.

Hon. F. S. Miller: It does not.

Mr. S. Smith: We'll hear more of that later.

Mr. Davidson: You are always going to do things later.

Mr. S. Smith: I know Browndale is sensitive to you. Forgive me, I have to bring it up once in a while.

Mr. Deans: We would like the investigation too.

Mr. Yakabuski: Let us find out who the directors are and what their salaries or fees were, and whether any were sitting members of the Legislature.

AIR POLLUTION AT HAMILTON

Mr. S. Smith: I have a question for the Minister of the Environment. Would the minister kindly take possession of those cloths that I am sending over to him, which contain samples of dirt taken from the house of a Mrs. Italiano on Tiffany Street in Hamilton?

Mr. Yakabuski: Is that your riding?

Mr. S. Smith: Would he, by looking at the correspondence in his own ministry, explain why it is that his ministry will not help Mrs. Italiano or any of her neighbours in obtaining some form of compensation from Canron and from Rheem Canada Limited, which

foundries are responsible for the particular iron oxide and other pollutants which are ruining the siding of her particular home and her car as well?

Hon. Mr. Kerr: We have issued violation notices against both of those companies.

Mr. R. S. Smith: It is in the riding of the Minister of Correctional Services.

Hon. Mr. Kerr: Unfortunately, the emissions from those plants are similar and we are having a hard time to distinguish significantly and sufficiently so that we can lay charges. These plants have been warned and they are under a control order. But once in a while, because of a breakdown in mechanical operations, they have extraordinary emissions that bother people such as Mrs. Italiano. However, I have had questions from other members from the Hamilton area about this particular situation, and we hope to correct it as soon as possible.

Mrs. Campbell: What year?

Mr. S. Smith: Supplementary: Since the answer seems to be that the ministry is unable to determine the exact percentage of blame which will lie on the shoulders of Canron as opposed to Rheem and, consequently, the ministry is not helping any of these residents get any kind of redress for their grievances at all, isn't that somewhat like refusing to prosecute some bank robbers because one doesn't know which way they divided the loot?

Hon. Mr. Kerr: The hon. member should realize we don't take civil action against companies to reimburse or compensate people living in the area. We prosecute under our legislation.

Mr. Singer: It sounds like the suit against Dow.

Hon. Mr. Kerr: In the meantime, the main objective is to get rid of the problem, which we're doing with the plants. In the meantime also, we will prosecute if the emissions continue.

Mr. Godfrey: Can the hon. minister inform us what was the date of the issuing of the violation order?

Hon. Mr. Kerr: I don't have that exact date, but it was some time within the last six weeks.

AIR POLLUTION AT NIAGARA FALLS

Hon. Mr. Kerr: The hon. member for Niagara Falls directed a question to the Premier last Monday concerning emissions from Niagara Metals Limited.

Our staff were aware of the incident of iron oxide fall-out which occurred in this plant on September 18, 1976. The cause of the emission was attributed to a small venting stack. The plant was shut down for approximately two weeks beginning September 22 during which time the bypass stack was eliminated and the emission was redirected to a dust chamber.

A violation notice was served on the company and an information was laid for this incident under section 8 of The Environmental Protection Act.

With regard to the question of possible health danger associated with this fall-out, it seems doutbful that this fall-out would cause a health hazard. However, our staff have forwarded the data to the Ministry of Health for their perusal and comment.

The hon. member also referred to the matter of the company's insurance representative requesting the signing of releases. This matter was first brought to our attention through the local press last December 6 and while we have not yet obtained a copy of the form, my staff have copied the wording provided by one of the residents.

As the members know, there is a fundamental right to negotiate a contract for damages suffered for any cause. However we would assume that any person entering into such a contract would first obtain legal advice or advice from an appraiser concerning the value and substance of such a contract.

Nevertheless, the signing of this release would in no way affect the enforcement of our legislation. I have asked my legal staff to review this particular release as to its legality.

Mr. Kerrio: A supplementary: I thank the minister very much for his answer. I would pose one question and that is: Could he, could his people—

Hon. Mr. Kerr: Yes, I would be happy to do that.

Mr. Breaugh: Supplementary: Is the minister, in that situation and in a similar situation at Fittings Limited in Oshawa, prepared to identify the emissions as being from a particular foundry operation? The problem in identifying what the cause is is one of insurance; in most cases it is some kind of

problem with either aluminum siding or automobiles. Insurance companies are now saying it is a problem of particular emissions from a plant but the ministry has been rather reluctant to identify that as the case, yet it does the sampling. Is the minister now prepared to do that so that people who have insurance claims can have their claims honoured by the company?

Hon. Mr. Kerr: Certainly, in a situation such as Niagara Metals Limited in which we are prosecuting, we would have to identify the plant. We would have to have sufficient evidence to launch such a prosecution.

There may be problems in other instances when we assume there may have been emissions or fall-out from a particular plant. The problem then is to identify the cause of some damage in strict relationship to that fall-out. We can't, I assume, do that in every case.

Mr. Swart: Has the minister seen the report from the laboratory pertaining to the iron oxide fall-out in Niagara Falls? Is he aware that substantially less than half of it is iron oxide and will it be referred to the Ministry of Health to do a serious test to see if there is any health hazard to it?

Hon. Mr. Kerr: Yes. As I indicated in my answer we have referred the readings and the information we have of that plant to the Ministry of Health to see what degree of health hazard is involved.

Mr. B. Newman: Would the minister consider the proposition of publishing in the press the names of those corporations and polluters which are under ministerial order so the public in the area could be informed? Would such publication not encourage the company to clean up the pollution a little faster?

Hon. Mr. Kerr: I could table that information in the House and I would assume it would be made public, particularly in Windsor.

[3:00]

HAMILTON GENERAL HOSPITAL

Mr. Deans: I have a question for the Minister of Health: Will the Minister of Health undertake to have his ministry investigate the current practices used in the Hamilton General Hospital for discharging patients, to determine whether it is a matter of common practice that doctors would discharge patients in their 80s and 90s to their homes when they are in need of additional care and when there's no one in that home on a regular basis to look after them?

Hon. F. S. Miller: We've never really tried to have the Ministry of Health become involved in the admission and discharge processes of hospitals in the province. We've left that entirely to the good or bad judgement of the physicians involved. I'm sure that as pressure for active treatment beds mounts there is often pressure applied to physicians in a given institution to discharge patients who may be deemed to be inappropriately there.

In Hamilton, I would have thought there was an assessment and discharge committee functioning that was set up to avoid the very kinds of things the hon. member is talking about.

Mr. Deans: If I may, by way of supplementary question: Since the assessment operation doesn't seem to be functioning adequately and since I have reason to know of two cases where deaths occurred in the last week of elderly patients who were sent to homes in which there were no other adults, and since I have reason to know of other cases where elderly patients, some in their 90s, were going to be sent home to apartments and empty houses, will the minister, even though it's not his practice, ask his ministry to investigate these practices and determine whether something can be done about it?

Hon. F. S. Miller: I'm quite prepared to learn more about the matter before jumping to a conclusion, either pro or con. Certainly we'd like to offer proper care for the people there and I'd like to hear from either the health council or some authoritative agency there as to how great the problem is.

Mr. Deans: One final supplementary then: Can I assume from the minister's answer that he will contact the health council today, since I have already brought it to the attention of his ministry on two occasions this week? Will he inquire immediately in order that we can avoid any repetition of the occurrences of last week?

Hon. F. S. Miller: I'll do my best.

PSYCHOLOGICAL ASSESSMENTS

Mrs. Campbell: My question is to the Minister of Health: Some time ago I asked the minister if he would answer a question

pertaining to Browndale assessments which result in placements in Viking Homes. The minister on that occasion said it had been brought to his attention and that he was investigating and would answer my question at a later date. Does he have an answer at this time, and if not, when may I expect it?

Hon. F. S. Miller: I did have an answer and I'm going to try now to give it to the hon. member accurately. If I'm wrong, I'll correct it later, if that's fair enough.

Mr. Roy: You can plead The Evidence Act.

Hon. F. S. Miller: We did look into the matter and we found that, in fact, student psychologists, I believe, were being used from time to time in assessing children as part of their training programme and that no charge was being made by the Browndale organization for these assessments. It was part of an educational programme, not a fee-for-service programme which I believe the hon. member implied in the first case.

An hon. member: A real vendetta.

Mrs. Campbell: I wonder if the minister would, in fact, investigate it further since the information is not that thees are students in psychology but that they are student teachers working toward a PhD in the teaching profession and not in psychology.

Hon. F. S. Miller: I don't recall that last variation. It may well be true, but is the hon. member sure they're not teachers of psychology?

Mr. Roy: You can't ask questions.

Mrs. Campbell: Mr. Speaker, I'm not here to answer questions. As a supplementary, could the minister not—

Mr. Roy: But she would do a better job than you.

Mrs. Campbell: —investigate this practice—

Hon. Mr. Davis: You don't really believe that, Albert?

Mrs. Campbell: —as it's part of his ministry?

Hon. F. S. Miller: That's another of the Goldenberg variations.

Interjections.

NEW HYDRO GENERATING PLANT

Mr. Lane: I'd like to ask the hon. Minister of Energy a question: Could the minister clarify a rumour that I've been hearing in recent days that the Dean Lake area near Blind River has been chosen by Ontario Hydro as the site of its proposed hydro generating plant?

Hon. Mr. Timbrell: No, Mr. Speaker.

Mr. Reid: You've got all the land bought.

Hon. Mr. Timbrell: Over and above that I can say I've had reports over the last few days too that apparently the CBC has been carrying a report in the north that that's the case.

I can tell the hon. member that is not the case, that I don't expect to have a report from Ontario Hydro on the subject until mid-1977, and I don't expect there would be any decision until about mid-1978, by which time we will also have heard from the royal commission on electric power planning. So that is not the case.

Mr. R. S. Smith: Is that post election?

Mr. S. Smith: How about El Dorado for Spragge?

Mr. Wildman: Could the minister confirm whether or not the citizens' committees that are currently carrying out site studies have narrowed down the possible sites, giving priority to Dean Lake? Is that the case? Is the minister aware of that?

Hon. Mr. Timbrell: I am not aware of that. The hon. members for Algoma and Algoma-Manitoulin know there were five sites being considered—one at La Cloche, another at Bruce Mines, the third area being Blind River—within which there were three specific sites being considered. I'm not aware that they've narrowed it down any further than that. They may well have, but I haven't had a report to that effect.

COURSES IN UKRAINIAN

Mr. Makarchuk: A question to the Minister of Education: About a year ago the parents' committees of St. Josaphat's, St. Demetrius, and the Holy Spirit Ukrainian Catholic Separate School presented to the minister a brief requesting full accreditation of the Ukrainian language as a subject from kindergarten to grade eight. Could he at this time advise the House when he is going to answer their brief and if so, what will be the nature of the reply?

Hon. Mr. Wells: I think I wrote them a letter recently and said we would answer

them when we had our policy on multiculturalism in education ready to be stated. At that time the answers to their questions will be answered.

Mr. Makarchuk: Supplementary: Will the minister then consider the input from their brief when he is formulating his multicultural policy?

Hon. Mr. Wells: Of course the input from that group, which I met with personally, has been part of the consideration that's gone into developing our policy.

Mr. B. Newman: Supplementary: Is the minister considering courses for the accreditation of teachers in the Ukrainian language?

Hon. Mr. Wells: I would say not to my knowledge, but I will be glad to look into the matter.

CBC FRENCH TELEVISION FILM

Mr. Roy: I have a question of the Attorney General. Knowing of the Attorney General's concern about the spread of pornography across the province and of his whole-hearted support for the position taken by the Archbishop of Toronto in the last few weeks, has he investigated or does he plan to do anything about the showing on CBC French television on November 28 of a film called J'irai comme un cheval fou? I'll translate that later.

Mr. Lewis: You are embarrassing Bob Welch.

Mr. Roy: I wonder if he has received any complaints about this film and whether he intends to investigate this situation and possibly lay charges against the network, which broadcast it right across the province of Ontario?

Mr. Foulds: What charges are you suggesting?

Hon. Mr. McMurtry: I don't know that this is a matter that necessarily falls within our jurisdiction.

Mr. S. Smith: That hasn't stopped you so far.

Mr. Speaker: Order.

Hon. Mr. McMurtry: I have had no complaints, but I could just suggest to the member opposite that perhaps we could persuade our colleagues in the justice committee to stay a little later one of these evenings and perhaps he'd like to arrange a showing.

Interjections.

Mr. Roy: Supplementary, Mr. Speaker: If I might ask, has the minister not already laid charges, for instance, against CFVO in Ottawa for broadcasting from Hull to Ottawa what was alleged to be pronographic material and are there not precedents? Is the Attorney General not in charge of the administration of The Criminal Code?

Hon. Mr. McMurtry: I think the hon. member opposite misconceives the role of the Attorney General in this province.

Mr. S. Smith: It's to get headlines.

Hon. Mr. McMurtry: The Attorney General does not lay charges.

Interjections.

Mr. Speaker: Order, please.

Mr. Reid: You are in charge of headlines.

Hon. Mr. McMurtry: To benefit from the wisdom of this advice under our system, the police—the individual police departments and the individual police officers—are vested with the very important discretion in relation to the laying of criminal charges. From time to time, we ask our police departments—that is the Ministry of the Attorney General asks the police departments—to review certain situations with a view to laying charges. The charges are not laid by the Ministry of the Attorney General, but by our police officers.

Mr. Roy: I know.

Hon. Mr. McMurtry: Well, that's not what you said.

Mr. Roy: Tell us about the hockey violence.

Mr. Speaker: Order, please.

Hon. Mr. McMurtry: Having had this matter brought to our attention I will be happy to review it with the Solicitor General (Mr. MacBeth) as to whether or not the matter should be pursued further by the police department.

Mr. Reid: That will be the end of that.

Mr. Roy: Your initiative has resulted in charges before in hockey violence.

Mr. Speaker: Order, please.

Hon. Mr. Kerr: Talk to your Grit friends in the CRTC.

Mr. Speaker: Order, please.

Hon. Mr. Rhodes: Talk to your friend Pierre Juneau.

Mr. Roy: Your initiative has resulted in changes before.

HYDRO POWER REDUCTION

Hon. Mr. Timbrell: Mr. Speaker, last Friday, December 3, the hon. member for Windsor-Walkerville asked a question of the Provincial Secretary for Resources Development (Mr. Irvine) which he took as notice on my behalf. It had to do with the J. Clark Keith generating station. The answer, Mr. Speaker, is as follows:

The J. Clark Keith generating station is comprised of four coal-fired units with a total installed net capacity of 254 megawatts. The station was completed in 1953 and has the lowest thermal efficiency of all coal-fired units in the Ontario Hydro system. To help stem the rapidly rising costs and because the plant did not meet the present-day air pollution requirements, a decision was taken in February, 1976, to temporarily take the units at J. Clark Keith generating station out of service.

This was accomplished in May, 1976. This decision was taken with the expectation that the Ontario Hydro load would be met during the period 1976-79, and with full knowledge that the system reserves would be reduced.

The present difficulties in meeting power demands stem from extraordinary problems with boiler support hangers at Nanticoke generating station which has made it necessary to remove three 500 megawatt units out of service—namely, units one, three and four—and maintain the load on the other two available units—units five and six—below 450 megawatts in order to reduce the stress on the hanger rods.

Thus, unexpectedly, 1,600 megawatts that Hydro had been counting on from Nanticoke generating station for the 1976 peak were unavailable. In addition, transmission limitations prevent Hydro from fully utilizing the available generation from its 2,000 megawatts oil-fired Lennox station.

The return of the J. C. Keith generating station would add only about 254 megawatts to a power system of approximately 20,000 megawatts. Hydro would still be in difficulties at the present time with or without J. Clark Keith generating station in service.

Mr. Haggerty: It was used for 20 years.

Hon. Mr. Timbrell: To take J. Clark Keith generating station out of mothballs and make it available for generation would take about one month. However, until necessary modifications to the plant are made so that present-day air pollution standards can be met, Hydro is not planning the return of the J. Clark Keith generating station to service at the present time.

Since the focus of Hydro's difficulties is at Nanticoke generating station, all available resources are being utilized to tackle the problems there. Hydro hopes to have some additional power available from that plant by December 17, 1976, with two units, which represent 1,000 megawatts of capacity, returned to full service with temporary repairs by Christmas.

Technical and economic evaluation of alternative uses for J. Clark Keith generating station have been completed, defining the required modifications to make the plant operationally and environmentally acceptable and indicating a need for generation from the plant by 1980. Recommendations in this regard will be presented to the Hydro board of directors at their meeting in December of this year.

Mr. B. Newman: A supplementary: Can the minister assure the residents and the industry in the tri-county area—Essex, Kent and Lambton counties—that they will not suffer from brownouts as a result of the J. Clark Keith generating station not being put into operation within the next month?

Hon. Mr. Timbrell: As I pointed out in my answer just completed, if the J. Clark Keith station were put back into service it would not answer the problem. As well, it would take over a month to bring it back into service and out of mothballs, after which time we should be over the December Christmas peak.

Through you Mr. Speaker, to the hon. member, I would anticipate that they will not suffer any more than any other part of the province if there has to be a reduction in the voltage or if there have to be interruptions to those industries that have interruptible A or interruptible B contracts.

Mr. Sargent: A supplementary, Mr. Speaker.

Mr. Speaker: The member for Carleton East. Order, please. A supplementary? The member for Grey-Bruce.

Ms. Gigantes: He can't ask—

Mr. Sargent: Are these microphones working?

Hon. Mr. Rhodes: Yes.

Mr. Sargent: Why don't you get a good sound system?

Mr. Speaker: We can hear you. Will the hon. member continue please.

Hon. B. Stephenson: You don't need one.

Mr. Sargent: I can sell you one.

Hon. Mr. Davis: I believe you.

Mr. Speaker: Order, please. Will the hon. member place his question?

Mr. Sargent: A supplementary to the Minister of Energy: Why does he put the fix on the people of Ontario? In the press release on December 1 he said the Nanticoke situation could be closed down until after Christmas; then there were the brownouts and next day one of the units came on-stream at Nanticoke—

[3:15]

Mr. Speaker: Order, please.

Mr. Sargent: Okay, I'm talking about energy.

Mr. Speaker: Order please, it's a good question, but nothing to do with the original question which had to do with this particular power plant that's in mothballs in Windsor. You may ask the question later.

Ms. Gigantes: I have a question for the Minister of Energy. I'd like to see if the minister can explain to the House why it was that Hydro instituted a voltage cut on December 3, when there were interruptible contracts still in operation which would have more than covered that voltage cut.

Hon. Mr. Timbrell: I don't know that that is correct. I will check the figures we have as to which were cut. As the hon. member knows there was a three per cent reduction in the voltage which was imperceptible in any part of the province. If in fact that was the case, I would imagine it was in order to assist those industries to keep operating because, as the member knows, a great many people on the work force have been inconvenienced because of the interruptions.

Ms. Gigantes: Supplementary: I wonder if, for the general enlightenment of the House, the minister would table the daily operating reports of Ontario Hydro for the last two weeks, covering the period from December 1 to December 3 in particular, with all the relevant details on purchases, on sales, on interruptible contracts and so on, and which generators were in operation producing how much.

Hon. Mr. Timbrell: I think, Mr. Speaker, that the hon. member, through her phone calls to Hydro on a daily basis—of which I get reports—does get that information.

Interjections.

Mr. Speaker: Order.

Hon. Mr. Timbrell: But I'll be glad to get the information and to indicate how much Quebec has cut off from our contract, how much we bought from New York or whatever.

Interjections.

Mr. Speaker: Order, please. The hon. member for Erie.

Mr. Haggerty: Supplementary of the Minister of Energy: Will the minister reinstate the select committee dealing with the Ontario Hydro operation—particularly on the matter concerning the short-fall of energy at the present time? Will he reinstate that committee to look into it?

Hon. Mr. Timbrell: No, Mr. Speaker.

Mr. Speaker: A final supplementary.

Mr. MacDonald: I wonder if the minister in getting that information would get the specific information as to what proportion of the B interruptible contracts were really interrupted and what proportion of the A were interrupted?

Hon. Mr. Timbrell: That varies from day to day, depending upon the peak. Some days all of the Bs are interrupted, some days only some of them and some of the As. It was a different mix each day, but I'll get all that information.

Ms. Gigantes: On a point of privilege, Mr. Speaker, I understand there may have been some confusion in the response the Minister of Energy gave to my question when he talked about reports of my daily phone calls to Hydro. I hope he's not going to give us a report on reports of my daily phone calls to Hydro, I want more than that. Thank you.

Mr. Speaker: The hon. member has made her point. It is not really a matter of privilege—

Hon. Mr. Timbrell: I will just say I—

Mr. Speaker: Order please—it's just correcting something.

Hon. Mr. Timbrell: Mr. Speaker, I will get the information as I promised to the member, hopefully in as much detail as she's interested in.

Mr. Kerrio: A supplementary to the Minister of Energy, Mr. Minister, is the minister aware that the—

[Failure of sound system.]

Mr. Kerrio: Am I coming through, Mr. Speaker?

Mr. Speaker: Yes, I can hear you.

Hon. W. Newman: It sounds like you have a short.

Hon. Mr. Rhodes: Are you running out of power?

Mr. Speaker: Order, please, there is too much background noise now.

Mr. Kerrio: My question is to the Minister of Energy: Is the minister aware that due to the cutbacks in power he interrupted the heavy power users in the Niagara Peninsula, particularly in the abrasives industries; that they now have in fact a layoff of 40 to 50 men; and that there is some speculation as to whether some of the heavy investments they were going to make in those plants would rather be made in the United States because of the interruptions, and the decrease in available power?

Hon. Mr. Timbrell: I am aware, as I indicated in one of my earlier responses, that some industries in the province that have been hit several days in a row have had to lay some people off, and obviously that's of a great concern.

I have not heard from anyone to suggest that, because of the problems brought on by the low water levels and the difficulties of the Nanticoke generating station, any investment decisions are being put off. They realize that December is usually the annual peak in demand. They also realize that the utilities around us are having some problems as well—witness the fact that we are selling power, or have been, I am not sure if we are today, to Manitoba; Quebec had to cut back its sales to us and in the United States some of the authorities have difficulty during their peak, which usually comes in the summer.

I would doubt very much if those kinds of decisions would be based strictly on a problem isolated to a few days in December, 1976.

Mr. Speaker: The question period has expired.

PETITIONS

Mr. Warner: I have the privilege to enter, on behalf of 1,772 citizens, a petition protesting the Ontario Highway Transport Board's decision of November 22, 1976, which granted a licence for the purpose of operating bus routes between Buffalo, Toronto and Sudbury to the American-controlled Greyhound Lines of Canada Limited. The petitioners state—

Mr. Speaker: Order, please. I think the hon. member has stated the petition.

An hon. member: No, he hasn't.

Mr. Warner: The petition itself is worded to say that the Ontario Highway Transport Board has, in effect, limited Gray Coach operations throughout the province and such diminishing routes will be accompanied by cutbacks in staff at a time of high unemployment in Ontario. The petitioners believe that the decision of the Ontario Highway Transport Board should be reversed and they petition the government of Ontario to reverse the decision of the Ontario Highway Transport Board.

Mr. Stong: I have three petitions to present to the House today. The first is to the Lieutenant Governor and the House, endorsed by me, over the signature of 47 persons, indicating that the undersigned are against Greyhound taking over the Gray Coach routes, specifically Buffalo, Toronto and Sudbury.

The second petition, addressed to the Lieutenant Governor and the House reads: "We, the undersigned, oppose a decision by the Ontario Highway Transport Board to allow Greyhound Lines of Canada Limited"—

Mr. Speaker: Order, please. We can't hear the hon. member.

Mr. Stong: Thank you, Mr. Speaker—"to compete with Gray Coach lines, an Ontario firm, on some Ontario runs. We believe it to be contrary to the best interests of Ontario people, particularly those in the central and southern area to allow such rights to an American-based company at a time when employment is of such importance and economic considerations may force Gray Coach to go out of business. Gray Coach is more than just transportation. Their chartered services and personnel have made group

trips great occasions for many travellers in the Markham area." That is signed by 35 persons.

My third petition reads the same and it is signed by 25 persons. On behalf of these people I present these three petitions.

Mr. Roy: Is that the issue you are flip-flopping on?

Mr. Hodgson: Mr. Speaker, I'd like to present a petition and table it with the Clerk of the Ontario Legislature. It is directed to the Premier and the Minister of Transportation and Communications—

An hon. member: A rebellion in the ranks.

Mr. Conway: That will keep you on the back bench.

Mr. Speaker: Order, please. The hon. member for York North is presenting a petition.

Mr. Hodgson: —on behalf of approximately 500 residents of the towns of Aurora—

Interjections.

Mr. Speaker: Will the hon. member continue?

Mr. Hodgson: —and Newmarket and area. They are objecting to the Ontario Highway Transport Board's granting a franchise to Greyhound Lines of Canada Limited.

Interjections.

Mr. Speaker: Order, please.

Presenting reports.

REPORTS

Mr. Edighoffer from the standing miscellaneous estimates committee reported the following resolutions:

Resolved: That supply in the following supplementary amount and to defray the expenses of the Office of the Assembly be granted to Her Majesty for the fiscal year ending March 31, 1977:

Office of the Assembly

Office of the Assembly programme $1,493,000

Resolved: That supply in the following supplementary amount and to defray the expenses of the Office of the Ombudsman be granted to Her Majesty for the fiscal year ending March 31, 1977.

Office of the Ombudsman

Office of the Ombudsman
Programme $509,000

Resolved: That supply in the following supplementary amount and to defray the expenses of the Office of Provincial Auditor be granted to Her Majesty for the fiscal year ending March 31, 1977.

Office of the Provincial Auditor

Administration of the Audit Act and
Statutory Audits Programme ..... $ 95,000

Mr. Germa from the standing public accounts committee presented the committee's report which was read as follows and adopted:

As provided in section 35 of The Legislative Assembly Act, the House authorize Mr. Speaker to issue his warrant for the production to the public accounts committee of the records of the Ontario Hospital Insurance Plan respecting payments of income to individual licensed practitioners in excess of $100,00 during the fiscal year 1974-75; that records should include the name, address, nature of practice and any income derived from clinical billings to the practioner.

Mr. Speaker: Motions.

Introduction of bills.

CONSUMER INFORMATION ACT

Mr. Cunningham moved first reading of Bill 186, An Act respecting Consumer Information.

Motion agreed to.

Mr. Cunningham: Mr. Speaker, this bill provides for mandatory disclosure of information regarding material defect or the malfunctioning of a product; the prohibition of the manufacturing, selling or distributing of an unsafe product; manufacturer research into the safety and functioning of products; and reimbursement for replacing of or repairing a defective, malfunctioning or unsafe product by the manufacturer of that product.

Mr. Speaker: Orders of the day.

OHTB BUS LICENCE

Mr. S. Smith moved that the regular business of the House be set aside to discuss a matter of urgent public importance under standing order 30, namely, the devastating impact on the bus service to smaller communities that will result from the Ontario

Highway Transport Board decision to allow the operation of Greyhound Bus Lines on Gray Coach bus routes.

Mr. Speaker: I might say that the hon. member did give ample notice of his intention to introduce this special motion and I point out that each party will have five minutes to explain its position for or against this particular motion. I presume the hon. member for Hamilton West will lead off.

[3:30]

Mr. S. Smith: Thank you, Mr. Speaker I feel we have before us a matter of sufficient urgency, particularly the lateness with which we find ourselves in terms of when this session is likely to come to a close.

It seems to me the government has acted in this regard, with regard to the Ontario Highway Transport Board, in a way that urgently requires public scrutiny. I am particularly concerned. You may realize, Mr. Speaker, that it is two weeks ago today that I first raised this matter in this Legislature, and during that two weeks, until yesterday, we had received constant assurances from both the Premier and the Minister of Transportation and Communications that they supported the basic thrust of the OHTB decision, that they supported the idea of this competition and free enterprise. I would say to you that despite the last-minute partial recantation of yesterday by the Minister of Transportation and Communications we have here a very urgent matter.

An asset that belongs to the taxpayers of Metro has been depreciated here by approximately $10 million—maybe more; that's a conservative, if you'll forgive the expression, estimate—and in fact that particular asset value has simply been transferred over to Greyhound Bus Lines, controlled by American interests in the private sector. This represents a fundamental change of policy in the province of Ontario where heretofore no major inter-urban routes have been permitted to be overrun in the sense that there would be more than one major carrier on the ordinary route between two major centres. This has been the policy of the government up to now. The decision of the Ontario Highway Transport Board represents an absolutely fundamental change in this policy and such changes should not be made simply by the board but should be considered by the Legislature.

We wouldn't be quite as concerned about the need for an emergency debate except for the fact that Greyhound continues to operate at this very moment services on the lines which were granted to it by the Ontario Highway Transport Board. The government did accept finally, yesterday, that there is something that needs to be looked into. They pointed out, basically that they've lost confidence I suspect in their own board because they say that the board failed, basically, to look at the matter of whether the small towns would be affected with regard to their bus service, and, similarly, whether the economic viability of Gray Coach was being hampered in some way. Surely, by virtue of looking at the previous decision of the board in 1961, we see that it usually does include those criteria in its decision-making process, and if it failed to include those criteria one wonders what the board is doing anyhow.

We feel that the uncertainty felt by the employees who may now lose their jobs—and, certainly, even if they don't lose their jobs and are transferred into city routes on the TTC, might certainly lose their seniority and their pension rights and it's these employees who now see unions in Buffalo and Winnipeg clamouring for the jobs in Greyhound, which will supplant the Gray Coach drivers—we feel that their uncertainty needs to be put to an end; and, similarly, the uncertainty of the small towns; places that are along the way from here to Owen Sound, from here to the Barrie area, the Gravenhurst area and so on.

We feel, also, that the whole competence of the Ontario Highway Transport Board is called into serious question and needs to be discussed immediately. Time is running out on the session, as I've said. The Premier has said, according to published reports, that my motion, somehow or other, is improper because the matter is presently before the cabinet. If, in fact, he did say that then I can simply say to you, Mr. Speaker, that that is utter nonsense. If the matter is being considered before the cabinet there's no reason in the world why members of the Legislature should not be given the opportunity to express themselves and the views of their constituents.

This is a matter in which the House has a vital interest. It's a matter of great concern to the entire province of Ontario because, as I say, a public asset has been handed over. The spectre of public subsidy looms before us. The small towns are threatened with regard to their bus service. A fundamental change in policy has occurred; and the cabinet, which has consistently been stonewalling in front of this Legislature, despite questions, for two weeks and now, finally, comes out with a very weak and puny statement yesterday which by no means allays the fears that I have and that members of the public have regarding this shameful deal.

Mr. Lewis: Mr. Speaker, we energetically support the request for a debate on a matter of urgent public importance, and we support the motion, although let me say that we really didn't think we would have to. Frankly, we feel that the government's position is entirely insupportable, that the government should have moved before now in order to make this kind of initiative unnecessary on the part of the Legislature. However, because it is urgent and pressing, we will support it on the following four grounds:

No. 1, that the Ontario Highway Transport Board has clearly exceeded the authority given to it, and that it is making decisions which should be made by a government not an administrative tribunal.

No. 2, that the information acquired in the interim period relating to the dollar turnaround for Gray Coach, relating to the absence of service which will surely flow for small communities, relating to the jobs which are put in jeopardy, indicates clearly and urgently that this is a matter which must be dealt with by the Legislature with dispatch.

No. 3, that we cannot surrender, as has been indicated, a public asset to a major American conglomerate, frankly, whose corporate acquisitions and process of takeover in the United States and other jurisdictions is ominous and menacing and should not be permitted in the province of Ontario. In fact, if the government had taken the time to look at the way Greyhound has operated in the 50 years it has existed, between 1926 and 1976, in the United States jurisdiction, it would have had significant qualms about allowing it to overrun the only profitable routes which Gray Coach operates.

No. 4, may I suggest very strongly that the other reason this is urgent is that because once again, perhaps inadvertently, but nonetheless forcefully, we are in the process of raising a threat to the viability of small and rural communities in the province of Ontario.

Hon. Mr. Davis: You don't believe that?

Mr. Lewis: That's right, that's right.

Hon. Mr. Davis: Oh, come on.

Mr. Cassidy: That's true.

Hon. Mr. Davis: I could understand it over there.

Mr. Lewis: I want to put to the government, I want to put—I hope we are recording this unsolicited agitation on the part of the Premier.

Hon. Mr. Davis: It is not unsolicited; it has been solicited.

Mr. Lewis: May I say, Mr. Speaker, that if you are going to take away railway service, if you are going to close hospitals, if you are going to shut down arenas, then you don't terminate bus routes gratuitously. It's as simple as that; and that, too, requires an urgent response from this Legislature. That's why we support the debate at this time.

Interjections.

Mr. Speaker: Order please. The hon. Attorney General has the floor, I might point out.

Hon. Mr. McMurtry: Mr. Speaker, I want to make it very clear that so far as the government of which I am a member is concerned we welcome a full-scale public debate of this issue. However, I want to say at this time, I don't intend to direct any remarks one way or the other in relation to the wisdom or otherwise of the decision of the Ontario Highway Transport Board. Unlike some of the members opposite, I am rather interested in having all the facts before me before I am called upon to exercise my own judgement at the appropriate time. Certainly, I have no intention at this point in time in indulging in some of the rather uncuous sanctimony that I've heard in the last few minutes from across the aisle.

Mr. Conway: What about the member for York North (Mr. Hodgson)?

Hon. Mr. McMurtry: I can say, as an Attorney General, I am concerned about the propriety of a debate about a matter that is under appeal before the cabinet and my remarks will be restricted to that issue.

Mr. Renwick: You should be, you have been wrong—

Mr. Speaker: Order, please.

Hon. Mr. McMurtry: I have been advised directly by the general counsel for the Toronto Transit Commission that the formal appeal is forthcoming and will certainly arrive at the beginning of the week.

Mr. Singer: It is not in yet?

Mr. Nixon: So everything is on ice, eh? That is the end of the debate?

Hon. Mr. McMurtry: In my respectful view, I suggest that it is improper to ask those who will have the ultimate responsibility of making the decision on all the facts to participate in a debate prior to having all the facts before us.

Mr. Breithaupt: Don't participate then; just listen.

Mr. S. Smith: Don't participate then.

Hon. Mr. McMurtry: Surely the legislation that was passed by this House makes it quite clear—

Mr. Peterson: You don't have to say anything; you can let the Premier speak.

Hon. Mr. Davis: I am not—

Mr. Breithaupt: Say nothing. Just listen.

Hon. Mr. McMurtry: —that the executive council should be in a position to make a free and unfettered decision based on all of the evidence that will be before it at the appropriate time.

Interjection.

Mr. Speaker: Order, please.

Hon. Mr. McMurtry: —and particularly when the Minister of Transportation and Communications has announced that the Ontario Highway Transport Board will be having a further review of the matter.

Mr. Nixon: Meanwhile the buses are running.

Hon. Mr. McMurtry: Certainly the information that will be forthcoming in a public manner not only will be of interest to the public as a whole but obviously will be relevant to the executive council in its deliberations at the appropriate time.

Mr. Conway: Then suspend Greyhound temporarily.

Mr. Nixon: Except you welcome it.

Interjections.

Hon. Mr. McMurtry: I simply say that at the very least a debate at this time would be premature without having all the evidence that was before the Ontario Highway Transport Board—

Mr. Conway: Tory arrogance.

Mr. Speaker: Order, please.

Hon. Mr. McMurtry: —or indeed without having additional information that would be forthcoming in the public hearings that have already been announced. At the other end of the scale, this House wants to indulge in creating an appearance—

Mr. Renwick: This House is not indulging in anything.

Mr. Conway: You should talk. You should talk.

Mr. Speaker: Order, please.

Hon. Mr. McMurtry: —for the interested parties we are prepared to prejudge the matter—

Mr. Nixon: The minister already prejudged it.

Interjections.

Mr. Speaker: Order, please.

Hon. Mr. McMurtry: —that we are going to ignore entirely the protections that are afforded to the parties—

Mr. Speaker: Order, please. I think we've requested order several times this afternoon. The minister has about 30 seconds left in his time.

Hon. Mr. McMurtry: If the desire of the House is to run roughshod over the rights of those people, then that will be the members' responsibility.

Mr. Reid: Oh, baloney.

Hon. Mr. McMurtry: And to cloak it in the sort of nonsense that I've heard in the last few minutes for purely partisan and political motives—

Mr. Nixon: Eddie Goodman is looking after their rights.

Hon. Mr. McMurtry: —in my view simply is not in the best interests of the public of Ontario.

Mr. Nixon: Ed and John Robarts will look after them.

Mr. Lewis: Mr. Speaker, on a point of privilege. Whatever unctuous sanctimony I or others engaged in, it is as nothing compared to the way in which the Attorney General views the degraded value of this parliament in saying we shouldn't debate this subject before it is judged.

Interjections.

Mr. Speaker: Order, please. We have had the three positions put forward.

Mr. Lewis: The minister has a pretty contemptuous view of the Legislature.

Mr. Speaker: Order, please.

Mr. MacDonald: For once the executive branch is being brought to heel.

Mr. Speaker: Order, please. I listened very carefully to all the arguments put forward and there's no doubt in my mind that there

is sufficient urgency and public importance connected with the matter for all the reasons—and I'm not going to summarize them—as put forward by both the member for Hamilton West and the Leader of the Opposition.

But the Speaker has to abide by the rules of the House, and I would just point out one very important rule, which I'm sure is especially important for those who have any knowledge of legal things—and, of course I don't pretend to have—

Mr. Peterson: Don't make a ruling then.

Mr. Speaker: Order, please. Order 16(7)(ii) states: "In debate, a member will be called to order by the Speaker if he"—and I go over to 7(ii) of that—"refers to any matter that is before any quasi-judicial, administrative or investigative body constituted by the House or by or under the authority of an Act of the Legislature where any person may be prejudiced in such matter by the reference."

[3:45]

As I understand the situation, this matter has been referred to the Ontario Highway Transport Board, if I have the correct name, which is a body established by an Act of this Legislature and, therefore, I will have to rule against this debate at this time.

Interjection.

Mr. Speaker: No, that's the ruling.

Mr. S. Smith: On that point, if I can speak to the—

Mr. Speaker: If somebody wishes to challenge the ruling that's a different matter but that's the ruling.

Mr. S. Smith: With regret then—I would rather speak to the point in a spirit—but if I'm not allowed to do that, I'll simply have to challenge your ruling. I think you're incorrect in your interpretation, with regret, Mr. Speaker.

Mr. Speaker: I probably anticipated that, too. I shall put the question. The Speaker has made a ruling and it's been objected to.

Those in favour of the Speaker's ruling will please say "aye."

Those opposed will please say "nay."

In my opinion, the "nays" have it.

Then I shall put the next question, and that question is: Shall the debate proceed?

Those in favour of the debate proceeding will please say "aye."

Those opposed will please say "nay."

In my opinion, the "ayes" have it.

The debate shall proceed and, according to the rules, each member has 10 minutes to present his arguments in favour of the proposition. Who is the lead-off speaker? The member for Hamilton West.

Before we start, I believe the cameras have disappeared from the Legislature. May we have the lights turned down please? Thank you.

The hon. member for Hamilton West; his time starts now.

Mr. S. Smith: Thank you, Mr. Speaker.

I've been very concerned about how it is that a board such as the Ontario Highway Transport Board, which has a long and distinguished record in the province of Ontario, would suddenly come to make such a tremendously new policy whereby it decides that there would be more than one carrier on an interurban bus route.

It's not particularly my own opinion that overrunning inter-urban bus routes are to be avoided. We have the opinion, as well, of the Treasurer of Ontario (Mr. McKeough) who wrote to the hon. Minister of Transportation and Communications on March 15, 1976, because he was concerned about what he says is a reference to free enterprise. He says: "Bus services have always been controlled to maximize benefit to the public."

Similar arguments were made by Greyhound itself when it was opposing the application of Murray Hill to run between Montreal and New York, to overrun the Greyhound line. It argued very vociferously at that time.

I would like to quote from "A Case for Exclusive Territory Bus Franchises" by Peter C. Briant and Eric G. Walker. This particular quote points out: "Regulation is designed to save consumers from exploitation through price and if necessary to guarantee the provision of vital service at a satisfactory level."

I quote the following point:

"If there were to be free competition along the main lines of travel between large urban centres, we could expect that the profits on the high density lines would decline and service on the low density lines would probably not exist. Therefore, it would certainly seem to be desirable, in terms of public convenience and necessity, to offset losses on low density lines by profits on those of high density."

The argument is very well known; it's very well known even by the Highway Transport Board itself which, in 1961, ruled against

Greyhound's attempts to overrun Gray Coach. At that time the board said, "The board accepts the evidence in that it feels that the profitability of the operation of Gray Coach between Toronto and Sudbury would be adversely affected if this application were granted."

As I asked in the House the other day, what has happened to justify this? How can the government permit the OHTB to make a decision of this kind and then try to stonewall us for two weeks while we discuss it in the Legislature? How can the government risk the remaining transportation link which the small towns in Ontario have? How can it jeopardize jobs at a time of high unemployment in this province?

How can they justify giving away an asset that brings in revenue profit of about $800,000 to $1 million a year? They have made Gray Coach, which belongs to the people, a wounded bird basically.

I ask you to look with me, Mr. Speaker, at some of the history of what went on here. It is of interest that the whole matter seems to have arisen in the last year and a half. The application was filed in November 1975 by Greyhound. That's very interesting. I want you to know that on May 8 of this year, Ontario Northland also applied to overrun that particular route. Ontario Northland is an arm of the government, I remind you, Mr. Speaker, and answers directly to the Minister of Transportation and Communications. Yet, interestingly enough, as of the end of October just before the decision came in in favour of Greyhound, Ontario Northland withdrew its application to overrun Grey Coach.

Mr. Nixon: That's interesting.

Mr. S. Smith: It's a very interesting series of coincidences. And let me draw your attention to some more of these interesting coincidences, Mr. Speaker.

After the application was filed in November, 1975, hearings were scheduled for April and May. In the month of March, an article appeared in which the Minister of Transportation and Communications was quoted as advising Hamilton to sell Canada Coach, a bus company in a similar situation to that of Gray Coach in Toronto. He advised them to sell Canada Coach and said that really those in the city "should not be in the intercity bus business." That is what he is quoted as having said.

Hon. Mr. Snow: Mr. Speaker, on a point of order, I don't believe I ever advised the city of Hamilton to sell Canada Coach. It may have been discussed or suggested at a meeting with the representatives of Hamilton, but I don't believe I ever advised them that they should or should not sell the operation.

Mr. Deans: You were happy when they said they would.

Mr. S. Smith: I am sure the minister can make that point later on. The mayor of Hamilton at the time quoted the minister as saying: "He told us the city should not be in the intercity bus business and neither should the province."

At that point, Mr. Mallette of the TTC made a note of that particular article and wondered what was going on. First there was the application to overrun, then the statement that people like Gray Coach shouldn't be in that business at all. Interestingly enough, within the last year, he has received three letters—from Voyageur, from Charterways and from Greyhound—inquiring about the possibility of purchasing Gray Coach. You'll appreciate that the purchase price of Gray Coach has gone down substantially since this particular decision has been made, because the profitability of Gray Coach has been removed and it's been turned instead into a money-losing proposition which will probably have to be subsidized by the people of Ontario.

Hon. Mr. Davis: Has it been sold?

Mr. S. Smith: This is a very interesting situation in which offers or inquiries about buying it happen at roughly the same time as Ontario's Minister of Transportation and Communications suggests that maybe the city shouldn't be in that business. Now we find that a decision comes in which is unparalleled in the OHTB history. A totally different policy is being adopted from that which has previously been the case in Ontario.

We know very well that Voigt was allowed to overrun on the Kitchener to Toronto bus route, and we know also of the executive service that goes from Toronto to London; but both of these are horses of a different colour completely from the existing ordinary services on the major interurban routes. There is no other instance of a major interurban route which has been permitted to be overrun in this way.

What we have now are situations where the small communities are threatened, where the public of Ontario is being robbed of a $10-million asset that rightfully belongs to

them. We have a situation where the taxpayers may have to make this up in terms of financing and subsidizing the deficit. We have a situation where the cabinet sits back and permits Greyhound to continue to operate.

Greyhound brought down a good many witnesses, as you know, and put them up in the various hotels in Toronto, and these witnesses came forward with their information. It's of great interest that a good many of these witnesses live between Sault Ste. Marie and Sudbury, which is serviced by Greyhound. They admit they were told by Greyhound that if they supported Greyhound's application to run between Sudbury and Toronto, then they would be able to get certain local services in places like Espanola, Blind River and Iron Bridge. They didn't understand that Greyhound has the power to give those services right now—and that it had nothing to do with Gray Coach whatsoever that those services were not being provided.

It's perfectly clear that what is happening here is that the citizens of Ontario are being asked now to subsidize an American-controlled giant corporation. I ask you to consider, Mr. Speaker, this sequence of events in which, little by little, the Ontario Highway Transport Board seems to have found itself in a situation where it was in some form of acquiesence with what seems to have been a change in the fundamental thrust of government policy. I have to ask seriously how that could have happened.

That's a question which we will probably not be able to answer today but it is one which will stay in my mind for some time, because this is altogether too odd a sequence of coincidences. It seems very clear to me that the government, or certain members of the government, have decided that intercity transportation is no longer to be a franchised operation but rather is to be a competitive one.

If the government is that keen on competition and if the government thinks that competition will, somehow or other, improve the services to the people living along the express routes, then it might be worth trying. It might be worth trying some form of competition—doing the experiment. But, for heaven's sake, why experiment with the one profit-making asset that belongs to the public? The government wants to overrun somebody? Go and overrun Voyageur on Toronto to Ottawa and let's sit back and see whether the competition—

Interjection.

Mr. S. Smith: Go and see whether the competition will in fact be very helpful.

An hon. member: Are you for that, Albert?

Mr. S. Smith: Let's see it overrun Greyhound.

Hon. B. Stephenson: Speak to your colleague, speak to Albert.

Mr. S. Smith: Why does it pick as the first bus line that is going to be overrun the one that belongs—

Hon. Mr. Davis: Stuart, you are priceless.

Interjections.

Mr. S. Smith: Well, I wonder though whether there is a price for the Premier; that's the question. I may be priceless but he may not be.

Hon. B. Stephenson: Shame.

An hon. member: You walked into that one.

Hon. Mr. Davis: On a point of personal privilege. I assume the member for Hamilton West is suggesting that there was something improper in my activities or those of a minister of the Crown as they relate to this particular decision.

Some hon. members: Oh, oh.

Mr. S. Smith: I didn't say that.

Hon. B. Stephenson: That is exactly what he was suggesting.

Hon. Mr. Davis: That is exactly what he said.

Hon. J. R. Smith: Withdraw.

Mr. Eaton: Withdraw.

Hon. Mr. Davis: I say, Mr. Speaker, the hon. member should apologize—

An hon. member: Sit down.

Hon. Mr. Davis: —and apologize immediately.

Mr. S. Smith: I didn't say that.

Hon. Mr. Davis: Come on, be a man.

Mr. S. Smith: Mr. Speaker, the Premier referred to me as priceless and I suggested there may or may not be any price for him at all. The term I should have used for him—

Interjections.

Mr. Deputy Speaker: Could we have some order please?

Mr. S. Smith: The term I should have used for him was valueless. If I'm priceless, he is valueless.

Hon. Mr. Davis: Come on. I know exactly what you said and I know exactly what you intended.

Mr. S. Smith: Well, that's very interesting.

Mr. Deputy Speaker: Order, please.

Mr. Conway: Well, what did the Premier intend?

Hon. B. Stephenson: Just because the member for Renfrew North might behave that way, it doesn't mean that everyone else does.

Mr. Deputy Speaker: Order, please. If the hon. member for Hamilton West will direct his questions and his remarks to the Chair—

Mr. Sargent: Tell that to the Premier.

Mr. Deputy Speaker: —there will be less chance of the Premier intervening.

Hon. Mr. Davis: I agree with you, Mr. Speaker.

Mr. Deputy Speaker: Thank you.

Mr. S. Smith: Mr. Speaker, I certainly did not mean to cast any aspersions on the honesty of the Premier.

Mr. Roy: That is not our style, you know that.

Hon. Mr. Davis: What do you mean, it is not your style?

Mr. Roy: That is not our style and you know it.

Mr. S. Smith: I would point out to you then, Mr. Speaker, that what we have is a situation where somehow or other there has been a radical departure in the Ontario Highway Transport Board and what I have to ask you, Mr. Speaker—

Interjection.

Mr. S. Smith: —is how we are to assess why it is that the Ontario Highway Transport Board has now been accused by the Minister of Transportation and Communications of having failed to consider vital data—

Hon. Mr. Snow: That is not right.

Mr. S. Smith: —namely, the effect that this might have on the small towns—

Mr. Deputy Speaker: The hon. member's time has expired.

Mr. S. Smith: —and the effects that this might have on the financial viability of Gray Coach. The decision must surely be overturned by the cabinet.

Mr. Roy: You like to talk about flip-flops, the Premier looks bad on this one.

Mr. Philip: It is a pleasure to speak on this issue, which is not only of vital importance to those who use Gray Coach and Greyhound Lines, but also the taxpayers who are concerned about the possibility of picking up the cost of a decision for an experiment which is of questionable value.

The real issue in this recent fiasco is not one of personalities, it is one of policy. In this case the real issue is not that the government has changed its transportation policy, as has been alleged by some members of this House, but rather that the government has failed to develop a clearly defined policy.

[4:00]

It is quite apparent to those of us who served on the select committee on the transportation of goods that much of the criticism we heard against the transport board has little to do with the quality of the decision-making per se and more to do with the fact that the transport board is making decisions in a policy vacuum. In fact, not only is there a policy vacuum, but there is also a communications vacuum between the transportation ministry and the transport board.

We know that the transport board has been making decisions that it clearly has no authority to make. The fact that the chairman of the transport board periodically issues temporary operating authority to transport companies is a clear example of where the board, in a vacuum of direction from the ministry, has taken authority that was never given to it by the government or by the Legislature.

What is clearly needed is a statement by this government as to whether the transport board is an administrative or a judicial body, or a combination of both and in what combination. What is clearly needed is a well defined transportation policy for Ontario, and this policy we feel would have as a central principle, the principle of cross-subsidization. This is the principle that is accepted throughout North America and a principle that was accepted by the transport board in its famous decision in 1961.

During the last Transportation estimates, the minister boasted that Ontario had one of the best systems of primary and secondary roads in the world. We frankly don't agree with that. We don't think that it has one of the best. We think that it has the best. If this, in fact, is the case then it is all the more reason why this government must be blamed for not developing an integrated, public passenger transportation system in this province. People are often amazed at the fact that we don't have the public transit or rail syems that are evident in Europe. The alternative is not rail or nothing, the alternative and the problem we face in Ontario is to use what we do have, namely the excellent highway grids, and to develop a public transportation programme in which bus service would be a major cornerstone. The government has failed to do this and the result has been the kind of fiasco that we have today—the possible loss of jobs, the loss of service, and in the government's case, the loss of face.

Mr. Deans: Never in history has it been proved.

Mr. Philip: Why has the government failed to develop the kind of bus service here in Ontario which would be equal to German rail system, especially when it takes credit for developing the infrastructure.

Were this done I suspect the Gray Coach drivers would not be worrying about losing service. In fact, many communities such as those in northern Ontario which now complain of inadequate service would be serviced, and there would be more driver jobs than now exist.

No one can blame Mr. Shoniker if he changed his mind from 1961. In the vacuum of direction he did what he thought he had to do. He acted as though he were the cabinet. There's no clear indication in the minister's statement on December 8 that the government has any clear policy on people transportation. I assumed when I read the statement that the minister was giving the transport board some guidance. In reviewing it, this is not the case. When I called the ministry and asked for a copy of the terms of reference or the directions which I assumed he would have supplied to Mr. Shoniker, I was told that none were given. The Public Commercial Vehicles Act and The Public Vehicles Act have few clues about what public necessity and convenience are. Statements by the government have never cast any light on this. The board has not been required over the years to issue written reasons for all its decisions, so one cannot even find out from the transport board.

The fact is, then, that section 17 of The Highway Transport Act—and under which this review will take place—does little either to clear the muddy waters and give us any kind of direction or give the transport board any kind of direction on which to judge this case.

If the Energy Board were asked to make decisions affecting the distribution of energy without guidance, everyone would be horrified, but by tradition, by the failure of successive Ministers of Transportation and Communications to show leadership, the government is now expecting us to swallow this kind of sloppy decision-making in the case of passenger bus transit. The government's failure to act is also evident in that it has made no decision to allow Gray Coach to carry on with its traditional service until the review has been completed. How much of the taxpayers' money will be wasted in the interval at this time when this government talks about austerity? It is time for the cabinet to act like a cabinet and for the transport board to act like a transport board and not vice versa.

Mr. Deputy Speaker: The hon. member for Grey-Bruce.

Hon. Mr. Snow: I thought I was going to have the opportunity to speak for my party?

Mr. Deputy Speaker: You can if you wish. I was waiting for you to stand so I could recognize you. The hon. member for Oakville.

Hon. Mr. Snow: I am glad you remembered where Oakville is, Mr. Speaker. I would like to—

Mr. Deans: You have bus service there, too.

Hon. Mr. Snow: We have an excellent bus service run by Gray Coach, too, under contract.

Mr. Deputy Speaker: Order, please. Everybody will have an opportunity to participate. The member for Oakville has the floor.

Hon. Mr. Snow: I would like at this time to clarify my position in what has become a very highly emotional issue regarding the granting of three certificates of necessity to Stock Brothers Bus Lines of Markham, Greyhound Lines of Canada and Eastern Canadian Greyhound. The three certificates of necessity granted them direct route rights

between Metro Toronto and Barrie, Metro and Sudbury, and Metro and the Niagara frontier respectively.

To begin with, I want to reiterate what I said in my statement to this House a week ago today. The certificates were issued only on the basis that the public's interest should come first. I believe, as I did then, that the sole reason for the issuance of these certificates was to provide the public with adequate service. Not only should it be adequate but it should encourage Ontario travellers to use buses and not discourage them simply because express routes are not available.

I don't believe I should have to remind this Legislature that buses are our most economical users of energy and that it is in everyone's interest to encourage bus ridership. Nor should I have to say that the witnesses at the Ontario Highway Transport Board's hearing expressed a strong definite desire for express service.

On top of that kind of evidence which, I remind the House, was not countered by contrary witnesses at the time, I have received numerous telegrams and letters from northern Ontario municipal leaders, residents and even union officials, substantiating this desire.

With reference to those hearings, which were carried out over seven full days of hearings before two OHTB members, there was more than adequate opportunity for executives from Gray Coach or the Amalgamated Transit Union as well as the general public to express their opinions.

I can honestly say I am still convinced, on the basis of the evidence put before and reviewed by the board, that the board's decision was correct. The decision, regardless of what members have been told, is not a radical departure from our transportation policies.

For example, between Hearst and Thunder Bay, Grey Goose and Greyhound are in direct competition and they continue to exist. There is a similar situation between Toronto and London where Charterways, Gray Coach and Greyhound are in competiton. Between Sault Ste. Marie and Wawa, Greyhound—

Mr. S. Smith: Another major urban service.

Hon. Mr. Snow: —and the Ontario Northland operate on the same route. Between Oshawa and Toronto, both Gray Coach and Voyageur travel the same route—I suppose nobody rides between Oshawa and Toronto.

Mr. S. Smith: Nobody cares about commuter routes.

Mr. Deputy Speaker: Order, please. The hon. member for Hamilton West has spoken in this debate.

Hon. Mr. Snow: The route between North Bay and Toronto is covered by both Gray Coach and the Ontario Northland. There are several more but I would not take the time of the debate to list them. I therefore cannot understand why Gray Coach cannot live with competition, as outlined, when the three certificates of public necessity and need were granted.

Mr. S. Smith: The Treasurer (Mr. McKeough) knows it. Ask him.

Hon. Mr. Snow: To put it another way, if a bus company which has operated for so many years cannot keep its ridership the first time some competition appears, and according to the statements appearing in the media that is what is happening, then it couldn't have built up a very dedicated ridership. If those statements are in fact true, then perhaps the Ontario Highway Transport Board's decision was correct. There was a need for adequate service.

Mr. Kerrio: That isn't what the Minister of Transport says.

Hon. Mr. Snow: I can only repeat that I see no radical departure from our policy when the OHTB provides for this kind of controlled competition and when it offers the residents of Ontario, and in particular in the north, a wider choice or more adequate service, as you prefer.

My personal philosophy, as you know, Mr. Speaker, is that competition is good for the consumer. I do understand the concern for the dollar position of Gray Coach and the resulting total effect on the company's drivers and other employees as well as on the residents of smaller communities who could be left without service, should routes be abandoned. But why didn't Gray Coach executives express these concerns which involved their operations at the OHTB hearings?

Mr. S. Smith: They did.

Hon. Mr. Snow: No one to my knowledge has come forward with any explanation on that subject. It was my concerns—and, yes, the sudden emergence of these concerns—that prompted me yesterday to request the OHTB to further review this case on the basis not only of its effect on the possible reduction of service between many communities, but to explore all the available alternatives.

Mr. Conway: Including politics.

Hon. Mr. Snow: As well, I have requested that the board study the real effect of the Gray Coach operation, including those points brought up by the Amalgamated Transit Union. However, I must remind the Legislature that the chairman of the OHTB makes specific reference to the limited fiscal information that Gray Coach executives were able to bring forward at the hearings back in April.

I understand that in the past month—in fact as far back as 1973—the TTC management has given more than cursory thought to the possible sale of the entire Gray Coach operation. I am led further to believe that a number of months ago the TTC commissioned a study to evaluate the future of Gray Coach. While I am not aware of the results of this study, I would have to assume that any such study may have been initiated because of the possibility of a sale, and that it would have taken into consideration such matters as its effect on its drivers and their futures. If this information is available, why wasn't it brought to light at the hearings or at least before the certificates of necessity were approved?

I personally want to have the opportunity to meet with the TTC officials, with the Gray Coach officials, with Greyhound officials, with the board of directors of the Motor Coach Association, and with the members and executive of the Amalgamated Transit Union, both local 113 and the Canadian representatives. In order to do this and not to appear to be hearing evidence out of court, as one might say, I propose to hold these meetings personally in the next few weeks and to make my recommendations to cabinet. I will refrain from sitting on the legislation committee, of which I am a member from cabinet, when the appeal of the Ontario Highway Transport Board decision is considered by that committee.

Mr. Conway: That is a double twist.

Mr. Good: We said a week ago you shouldn't.

Hon. Mr. Snow: I realize that it is very difficult for the hon. member from Hamilton, East, I believe it is, to make any remarks without bringing in innuendo.

Hon. B. Stephenson: Or for Renfrew North.

Mr. Laughren: Hamilton West.

Hon. Mr. Snow: Hamilton West, I'm sorry. I am very disappointed he should have suggested in his remarks, as I took it anyway, that for some reason since I became minister of this ministry I would appear to have instructed the Highway Transport Board to take certain actions that they may not have taken before.

Mr. Lewis: I don't think that's true.

Mr. Reid: He didn't say that at all.

Mr. Conway: You weren't here.

Hon. Mr. Snow: At no time did I discuss this application with the chairman or any member of the Highway Transport Board nor do I discuss any other applications that are being heard before the board. I may discuss an application or a result after a decision is made.

[4:15]

I might say I had a visit between three and four weeks ago from the executive of the TTC and the Gray Coach Lines, and, I might say I refused, on behalf of them, to make any recommendations or suggestions to the chairman of the board until such time as a decision was made and I will continue to take that stand.

Mr. Sargent: Very briefly, the minister should resign. This is the biggest train robbery since Hydrogate—the Moog and Davis hotel here.

Mr. Deputy Speaker: I would caution the member not to use excessive language.

Mr. Sargent: You can keep on cautioning. I'm speaking from the chair as much as you.

Mr. Deputy Speaker: I'll caution you, and I'll even dismiss you if you persist in doing so.

Mr. Sargent: You just try it and see what happens. This is still a free country. We have enough people here protecting the government now. We have here—

Mr. Deputy Speaker: Order. Will the member take his seat.

Will you take your seat?

Mr. Sargent: I will think about it, yes.

Mr. Deputy Speaker: If the member thinks he's going to threaten the Chair, he's got another think coming, because I don't threaten very easily.

Mr. Sargent: Don't threaten me then.

Mr. Deputy Speaker: I will caution you to abide by the rules of the House and not use excessive language, because if you persist in

doing so you will be dismissed from the chamber for the rest of the sitting.

Mr. Sargent: Mr. Speaker, will you define excessive language, please?

Mr. Deputy Speaker: Excessive language is anything that imputes motives, anything that is apt to cause grave disorder in this House and I'm not going to permit it. I just want to warn you of that fact right now.

Mr. Sargent: Mr. Speaker, anything I may say is in the records of this House, in the report of the select committee hearings on Hydro, and if it's in that report I can use it tonight in this address to the House.

We have here the documents from these hearings—a certificate before the board from their representative Mr. Goodman, the top adviser to the Premier. For 32 years he's been steering and writing the scenario here at Queen's Park. We have John Robarts—

Mr. Lewis: He has not done badly.

Mr. Sargent: —and a former member of the cabinet, Mr. Clement, involved here. These things are factual.

Hon. Mr. Snow: Mr. Speaker, on a point of order. I would ask the hon. member to say in what way Mr. Clement—

Mr. Deputy Speaker: There is no point of order. I have listened very carefully to the debate, there's nothing out of order, so there is no point of order.

Hon. Mr. Snow: He's misleading the House.

Mr. Deputy Speaker: You cannot accuse another member of misleading the House. You'll have to withdraw that.

Hon. Mr. Snow: I withdraw it. He certainly wasn't intentionally misleading the House.

Mr. Deputy Speaker: You cannot accuse another member of misleading the House, you just withdraw it.

Hon. Mr. Snow: I withdraw, Mr. Speaker.

Mr. Deputy Speaker: Thank you.

Mr. Conway: At last. At long last.

Mr. Sargent: We have the report from the cabinet meeting yesterday, and this is a dodge of the cabinet, it's a stall. They're bailing out a leaky boat and they say that they're going to review this. I say to you, sir, and mark my words, we have a fait accompli now; the buses are running and they're carrying passengers.

We have seven people on this Highway Transport Board, and only two members sat in on the hearings, the chairman and Mr. Stoddart. I suggest to you that this is a sellout to the American interests—owned 60 per cent by Greyhound, based in Phoenix, Arizona—of a system that belongs to the taxpayers of Ontario. It isn't the government's, it isn't the Highway Transport Board's, it belongs to us. What's the motivation here?

The word gets to Mr. Goodman, the chairman, that there's a chance that it could be up for grabs, so he probably makes a deal. What's his fee on this thing? A $20 million deal, is he making $1 million commission on this deal? That's motivation—selling out the interests of the people of the province of Ontario, that's what I'm talking about. That is a big train robbery, especially when train service is closed down in my area, you're closing our hospitals, closing our arenas, and now you're taking away our bus system.

What it means to Owen Sound—it is a very diabolical thing that the minister can sit here and let people who have the keys to the Treasury make a million bucks or so commission on the deal. That's what I am concerned about. It's time somebody started telling the truth in this province after 32 years.

Hon. B. Stephenson: They certainly won't get it from you.

Mr. Sargent: I'll get you in a moment, hotshot.

Hon. Mr. Davis: I don't know how you people can laugh at him; you ought to feel sorry for him.

Mr. Sargent: I see. We'll see, Mr. Premier.

Mr. Cunningham: Do you have a licence on pride?

Mr. Sargent: We have a beautiful parallel here, Mr. Speaker.

Interjections.

Mr. Sargent: We have a parallel here. We have Mr. Goodman; we have Mr. Robarts; and Mr. Clement. Their mere presence before this board gives them a great plus. The parallel is the Premier of this province in Switzerland with Mr. Moog raising money for the Hydro building. That's a parallel. Their mere presence there gave them the commission, the right, or the approval of this deal.

Mr. Deputy Speaker: That's not a subject for debate this afternoon.

Mr. Sargent: It is a good parallel, Mr. Speaker. Thank you. I say now we have the acknowledged price of $20 million and if only $12 million of it is used, there's an $8-million loss. There may be $50 million worth of rolling stock at replacement cost. Where's all this going to happen here? I say it's a fait accompli but the picture's incomplete.

Let's talk about the man who engineered this deal—let's talk about that. He's a director of Cadillac Fairview which is 35 per cent owned by the Bronfman firm. The start of this major corporation was a few years ago when I first came into this House. Cadillac Development, of which Mr. Goodman was a director, had access to the Treasury here. As a result, I would suggest to you, a billion dollars or more has been steered to certain firms by this man, Mr. Goodman.

Mr. Philip: If you have evidence of corruption, why don't you present it?

Hon. Mr. Davis: You will say this outside, I guess?

Mr. Sargent: I certainly will. And you'll prove it's not true, will you?

Hon. Mr. Davis: I won't have to.

Hon. Mr. Snow: There will be others who will do that.

Mr. Deputy Speaker: Order, please. We are dealing specifically with the devastating impact on the bus service to smaller municipalities—as the result of a decision of the Ontario Highway Transport Board.

Mr. Sargent: Mr. Goodman's involvements with Wimpey; we are dealing with Wimpey and Mr. Goodman's involved in that. He's involved in almost every deal which has any money involved. He has access to the people who count here at Queen's Park.

And I say it's time the buck stops here. Time does not permit me to go into all the things I'd like to say here but the Toronto Star today says "Throwing Local Bus Service to the Hounds." That's the headline. It really should read "the Greyhounds."

Hon. B. Stephenson: Did you write it?

Mr. Sargent: I say, in conclusion, that the Premier should think again for the sake of Ontario's smaller communities.

He should be less concerned with promoting the profits of Greyhound. He should give Gray Coach back the lines on which it can make money so it can continue to operate in the smaller communities of this province.

I suggest, in closing, that there should be some way because of the blatant conflict of interest of a group of men like this who have the keys to the Treasury here—I could document cases right now of things happening in this connection, such as getting Hydro lines through, development roads through, et cetera for Cadillac Fairview. There should be some way by which this man should be barred from doing business with the province. That's my submission to you today.

Mr. Angus: My remarks will be reasonably brief. First, I would like to point out, as a northern member, that while we appreciate getting better service—and Lord knows we need it in all sorts of areas but particularly in transportation—it's ironic that it's at the expense of small southern Ontario communities. We don't agree with that. We believe expansion and improvement of services should be done across the province, but not to the detriment of any one community or any group of communities, whether it be in the north or in the south.

I don't believe this situation would have occurred if there had been a comprehensive transportation policy for this province. I think that if the goals of this government were down in black and white in terms of providing services—and I mean services in terms of quality as well as quantity—then we wouldn't have this debate today. We wouldn't have the Minister of Transportation and Communications in the press every day saying something and then something else again.

I think one of the things that has become very apparent, and I look on my experiences with the select committee on the transportation of goods on the highways, is the role of the Ontario Highway Transport Board and its relationship to the government, to the ministry. I think my colleague, the member for Etobicoke, expressed that quite well in his leadoff.

I think the Ontario Highway Transport Board in all its dealings should take into account, not just evidence that is placed before it, but should be looking at the total aspect of that route or that group of routes or the actual service record and attitude of the companies involved. Instead of just accepting what Greyhound told them—as I assume most of the municipalities and representatives all over Ontario did with their response to the minister—instead of accepting it at face value and chiding the Gray Coach operation for not providing the kind of material that would help to win their case or to emphasize

their case, the Ontario Highway Transport Board should have gone looking. They should have taken the whole broad scope of the situation to find out exactly what is happening in transportation. They would have to do that because there's no transportation policy per se to fall back on.

Hon. Mr. Snow: Gray Coach isn't really a defenceless outfit that has no lawyer.

Mr. Angus: That is an interesting comment, because one of the things we looked at with respect to trucking in this province was the whole situation of lawyers versus lay people going before the OHTB. We found evidence that suggested that even lawyers were having difficulty in understanding what the rules were and how it was played. I think that that just gives stronger reasoning for a revamping of the OHTB and its responsibilities. I hope that what the minister has directed the OHTB to do is exactly this—not in two specific areas but across the range—and I hope too that there will still be the opportunity for appeal to the cabinet whatever decision the OHTB reaches; no matter which way they decide I hope the other party will have the option of appealing to the cabinet.

One of the items that my colleague from Etobicoke referred to was the communications problem. I was in receipt of a resolution from the city of Thunder Bay a number of months back indicating that they were supporting the Greyhound application. I looked at it; they had asked me to respond but it was one of the few I did not respond to.

I talked to some people who indicated to me that, yes, it loked like a good idea. But I'll be very honest. I did not have the information as to who the competition was, if there was any, or what effects it would have on other communities or other routes of the competition. I respectfully suggest the municipalities that responded by telegram and letter to the minister indicating their support for Greyhound and those who were brought to Toronto to the hearings of the Ontario Highway Transport Board were given a one-sided picture. They were given a PR pitch by Greyhound. Whether Gray Coach did not have the expertise or the talents or the finances to make the same kind of approach I can't say.

Hon. Mr. Snow: You don't really believe that, do you?

Mr. Angus: You may, I'm not sure. You don't?

Hon. Mr. Snow: No, I don't.

Mr. Wildman: You've already made up your mind though.

Mr. Angus: You don't, well. My purpose in pointing this out is that—again addressed to the role of the Ontario Highway Transport Board—if municipalities are being asked to comment on a route change, whether it be for bus transportation, airline transportation or what have you, the information should come from the quasi-judicial body, the Ontario Highway Transport Board, indicating the pros and the cons as presented by the parties. Only then should a municipality be requested to indicate its preference to the Ontario Highway Transport Board.

[4:30]

Mr. Wildman: In other words, they should do some work, too.

Mr. Angus: That's right.

In conclusion, I think one of the areas of responsibility for this problem falls on the shoulders of the Gray Coach system. In conjunction with the Ontario Highway Transport Board they should have been instructed to provide the quality services which seem to be lacking in certain areas. In order that the existing routes could be upgraded for the individuals residing in many communities—I'm impressed when I look at the map of their service area; heaven knows, we wish we had that kind of network of roads in northern Ontario let alone the buses to travel on them. I think they should have been instructed by the transport board to upgrade their facilities before any consideration would be given to the granting of another licence.

That almost winds up my comments. I would like to add that this morning I received the following telegram:

"We strongly protest action of Ontario Highway Transport Board, November 22, 1976. Such licensing to Greyhound can only curtail Gray Coach operations and ultimate loss of jobs for Canadian employees. Charles Parsons, President, Local 966, Amalgamated Transit Union, Thunder Bay."

Mr. Drea: The thrust of Ontario's transportation policy must demand that the movement of people and goods be considered a public utility. The overriding need, necessity and convenience of the consumer are so paramount they are the only legitimate criteria for the licensing of public carriers. No matter how motivated, no matter how entrenched, a transportation policy which condones, encour-

ages or perpetuates monopoly is a sham at the expense of the people.

Mr. S. Smith: Darcy doesn't think so.

Mr. Drea: Monopoly breeds contempt of the legitimate needs of the public, inflicts the permanency of the substandard upon them and stifles any initiatives toward improvement.

Mr. Kerrio: Are you describing Hydro?

Mr. Drea: The thrust of Ontario's licensing policy has been—

Mr. Wildman: What about the Greyhound monopoly between the Sault and Sudbury?

Mr. Drea: —a simple response to that public need and necessity, a flexible system which promotes competition, stimulates innovations and adjusts to economic, social and developmental needs.

That policy was underlined by the select committee report on the highway transportation of goods. On Monday, there was not a speaker, not a dissent, not a murmur against the recommendations that would mean vastly more competition on the highways; there was not a single protectionist voice, not one, not a dissent from that report.

If such a policy is needed to give the consumer of goods the right to alternatives and choices, then it defies logic to say it should not equally apply to the movement of people. What is right and proper for the most efficient way to move goods surely is even more essential for the movement of people? Naturally, stability of the carrier is essential if the highways which constitute the public utility are not to revert to an economic jungle where the power of the balance sheet determines who will have the opportunity to operate.

The particular concern we face today is the public anguish of Gray Coach Lines in its efforts to stave off a bid by Greyhound Lines to compete on two highway routes, Toronto-Sudbury, Toronto-Buffalo. The argument advanced is that Grey Coach is decimated as an entity because it cannot meet the limited—and I emphasize limited—competition from Greyhound.

There are threats and innuendos that the company will literally be sold at auction, a distress sale which will yield only the value of equipment. There is the implication it will have to abandon its outlying runs, particularly in central Ontario. Its drivers are convinced that more than 200 of them will lose their jobs.

Mr. Philip: Now you've got to the problem.

Mr. Breithaupt: That is what they say.

Mr. Drea: Gray Coach management, in an effort to absolve a series of blunders which constitute a corporate death wish, has deceived and used its employees in this matter. After enjoying the monopoly on these routes for decades and supposedly faced with extinction, Gray Coach has not promised the public a single improvement on the Buffalo or Sudbury runs; not to mention the Orillia, Barrie, Toronto run where the competition of Travelways has been authorized.

Mr. Haggerty: Oh, now be careful.

Mr. Drea: The only improvement has been a hostess bus, promised a year ago in November and brought in in June; but it is at premium rates, it is not on the regular service.

Mr. McClellan: It costs $2.50 a ride more.

Mr. Drea: This from a company that did not call a single public witness to the prolonged hearings of the Ontario Highway Transport Board—not a customer, just three officials.

Mr. Wildman: Do you want to give them a call? Maybe they changed their minds.

Mr. Drea: This from a company that did not disclose its financial picture—in the words of the board, "did not see fit to file a financial statement"—not a figure from a public carrier of this size. This from a company that is responsible for the operation of Toronto's biggest eyesore, the bus terminal at Bay and Dundas, even when confronted with the offer by Greyhound to join in building a new modern terminal with Gray Coach, or failing that to spend $11 million for its own new Toronto Greyhound terminal.

Incidentally, on the other route, Travelways will build a new terminal at Barrie. There has been no response from Gray Coach.

Where has Gray Coach been in all of this? Where is the management of a company that after being confronted with 70 public witnesses didn't even bring one of its drivers to say what a good service it had? Where is the management? What kind of a senior management warns of layoffs of drivers, total losses of revenue, when it can still operate on a route? And this is the management that when it abandoned school busing routes a short time ago, gave as its excuse the chronic shortage of drivers.

But enough of the record. We are not here to justify or concur in the decision of the Highway Transport Board, that is the role of the cabinet. But what is significant is what

can be done about Gray Coach. This is our responsibility, Mr. Speaker, for we created Gray Coach through decisions of authority. We have allowed Gray Coach to become the milch cow of the Toronto Transit Commission. It is a company without a single employee; right down to the paycheque they are TTC employees. It is a company that must rely on the TTC for mechanics, repair services and maintenance, and there's a transfer of funds.

There is some interesting accounting involved in all of this, but I leave it to the special review that is going on to determine that.

Mr. Philip: Analyse it, Frank.

Mr. Reed: You know better than that, it isn't true.

Mr. Drea: In the light of its failure to produce financial records and public statements that constitute corporate terrorism against both its drivers and its customers, let's look at some Gray Coach operations.

Mr. Lewis: Corporate terrorism?

Mr. Drea: Its services within all of Peel region, virtually all of York region, Toronto-Oshawa, Toronto-Hamilton, make a guaranteed profit of 15 per cent. Those services are operated under contract to the Toronto Area Transit Operating Authority, and that calls for a payment of cost plus 15 per cent. One third of the drivers and equipment, one quarter of its revenues come from these routes.

Mr. Reid: So what?

Mr. Drea: But an indication of the awesome overhead of Gray Coach is that it charges government $27.52 an hour for this service, while Travelways, under the same cost plus 15 per cent, charges $16.50.

The excuse given is that Gray Coach drivers make more. The men in this gallery know they don't make $11.02 an hour more than their counterparts on Travelways. Thus the taxpayers in Ontario are paying an extra $2 million a year to keep Gray Coach in this part of the bus business. Surely the taxpayers and customers are entitled to ask what is going on, when Gray Coach tells the media it would have a $700,000 profit this year, when the fact is it hasn't provided its parent, the TTC, with a cash profit or a dividend since 1973?

Mr. Sargent: They made $500,000 last year.

Mr. S. Smith: You are darn right, and they are keeping the money to build the terminal.

Mr. Drea: Something is terribly wrong with the senior management when it abandons the York Mills-Malton airport route as a financial disaster and a private operator turns it around in one year to a break-even service.

Within three years Gray Coach will be the only wholly-owned subsidiary of a municipal bus line on highway routes. One of the things that wasn't brought up by the member for Hamilton West is that on this very day the Hamilton Street Railroad is entering into the final phase of legislative authority whereby Canada Coach will devote, on a phasing out operation, more attention to the Wentworth region.

Mr. S. Smith: They are losing money on the other.

Mr. Drea: It's been in sadness rather than anger I have dwelt on the record of senior management of Gray Coach Lines. I for one am very proud of publicly-owned companies in this provnce.

Mr. Reid: After all that?

Mr. Lewis: Except for their corporate terrorism, they are okay.

Mr. Drea: The review of Gray Coach operations and finances by the Highway Transport Board will accomplish two substantial goals. First, it will put into the open the finances of Gray Coach, including why it is in such a fragile financial position. Second, it will put senior management under the glare of public scrutiny and make them answer the most damning indictment of all: Why are you prepared now to substantiate crippling revenue losses when you did not do so before? Why are you now begging for public support when you didn't bring a single customer to those hearings?

Mr. Haggerty: Is that Ontario Northland?

Mr. Drea: Gray Coach drivers through their union, should ask the same. They have the same rights as customers. One of the things I would like guaranteed, and I will do everything possible, is that there will not be a dislocation of employees. I do not believe the dislocation of employees is a price of change. It concerns me that the drivers union did not appear before the Highway Transport Board.

Mr. Conway: They can't.

Mr. Drea: Other unions do; oh yes, they do. The Teamsters do and the CBRT do,

both for applicants and respondents. In this case, the union did not. I would certainly hope that in the future, and particularly in this hearing, the union makes a very active response because the union knows what is going on with the senior management of Cray Coach.

A spinoff from all this is the confusion surrounding it. Commuters to York region now find they cannot take—

Mr. Deputy Speaker: The hon. member's time has expired.

Mr. Conway: So has he.

Mr. Drea: On that note I will end, with the admonition that when I talk of public need and convenience I am talking for the absolute retention of the Gray Coach drivers in that type of commuter service.

Mr. Stong: Mr. Speaker, earlier this afternoon in this debate we heard the Attorney General describe some of the positions held in this regard as nonsense. He described certain members of the House as riding roughshod over what he said was a system —the system of justice. But the Minister of Transportation and Communications, in approving the order of the OHTB, has done something which in my mind cannot be described as roughshod but which I describe as a flagrant abuse of the legislative process.

I regard it a personal affront to myself and probably other individual members of this House. In depriving us of the responsibility to which we were elected by his accepting this decision and approving it, and in fact acting on it at a time in our country when there is fear of separatism, and by his selling out to a foreign company, his actions are completely unacceptable in my mind. Perhaps the situation as it exists today, the situation of minority government which exists in Ontario, is finding its mark. This type of situation such as the usurpation by the OHTB of the legislative function will have to be stopped, and this is as good an issue to stop it as any.

I find the minister's remarks in the House earlier today a radical departure from what he said on November 30 when he made his comments in the House indicating his approval of the OHTB decision. In introducing this decision and the fact that he had granted approval of the granting of the licences, he said: "Included with the certificates will be the carefully-thought-out and documented reasons why the members of the board reached the decision they did"—carefully thought out and documented reasons. He concluded by saying: "Finally, I can tell this House that I have thoroughly and in good conscience reviewed the reasons for the board's decision and I am, therefore, approving all three certificates as they were recommended by the Ontario Highway Transport Board."

Today we heard the minister indicate he is asking the board to review its decision despite this carefully documented—

Hon. Mr. Snow: That is not right.

Mr. Stong: —sending it back for review, is the way I understand the minister's position.

Hon. Mr. Snow: I did not ask them to review their decision, I want to make that plain.

Mr. Stong: He's asking that this matter be reviewed after it's been well documented, carefully thought out and he in good conscience accepted it, despite the fact that the Legislature played no role in this entire episode.

Mr. Reed: The groundhog got too far from its hole.

Mr. Stong: The minister indicated that it was in the public interest that this decision be made. I might say that the OHTB, as I understand the legislation creating that body, has the power to call Gray Coach before it, and say; "Look Gray Coach, you're not doing a good job in this area and that area, shape up." But that was not done and the Gray Coach is owned by the people of Ontario indirectly.

I would have thought that the primary duty of the OHTB would have been to call the Gray Coach before it for an accounting and there is absolutely no indication or evidence of that having been done.

As one of the members from the Toronto region I'm also concerned with another aspect of this. I know that the debate covers the devastating effect on the smaller communities of Ontario, but we must direct our minds to those jobs that can and will be lost if this situation persists.

I understand that there are as many as 240 jobs at stake, that's the information I've been given. If that is so, setting aside the fact of seniority, loss of position, being replaced or having to be initiated in a new job; setting those concerns aside, the fact of the matter is your honour—I mean Mr. Speaker, I'm used to saying "your honour."

Mr. Conway: He is honourable indeed.

Mr. Stong: Mr. Speaker, I haven't extricated myself from the courtroom yet.

Interjection.

Mr. Stong: The fact of the matter is, Mr. Speaker, that if this situation persists, the jobs in Toronto of Gray Coach drivers are in jeopardy—very much so—and they've concerned about that situation. I'm advised as well that even as early as today, in view of the fact that the lines have been extended the union based in Buffalo is making motions to fill those jobs that will become available by American drivers.

Mr. S. Smith: That's right.

Mr. Stong: What is going to happen in Winnipeg, when the route out in that area is used? The Winnipeg-based drivers will take over the jobs and what's going to happen to the Toronto drivers? Up to 240 jobs could be lost in selling out to an American outfit.

It seems to me, as I indicated at the outset, that perhaps minority government is working in calling this government to take notice of the situation and protect jobs at a time when jobs should be protected, particularly those based in this area, in this economic climate.

In conclusion, I would just like to say that the entire situation that has developed here in the granting of these licences is, as I indicated earlier, completely unacceptable. It's unfathomable that, at a time when the government of Ontario should be showing leadership in unifying this country, leadership in creating jobs and leadership in protecting jobs and creating more employment, it has turned to foreign interests to replace those jobs and that particular market. It is time that situation was corrected and now is the time to do it.

[Applause.]

Mr. Warner: One of the interesting parts about this whole debate and this whole issue is that in some sense I don't have to come here every day over the last few days and tell the government that it's made a mistake, because the people of Ontario are doing that right now. I know that and the government knows that in some sense that makes the job over here just a little easier.

I'd like to spend just a few minutes to talk about some of the things which have happened in my particular riding and a few minutes to talk about what I think is at the basis of this whole business.

I received phone calls, as I am sure many members did, from people in my riding who had an interest; that is, they happen to be transit workers. They are concerned about the possibility of losing their jobs.

I had calls from people who have been customers of Gray Coach who said: "I don't understand why government members are saying Gray Coach service isn't very good. I have enjoyed Gray Coach service. I think the drivers are courteous. I think the buses run on time. I think I have been well served."

I had calls from people concerned about our economic indepedence who say: At a time when we seem to be losing more and more control of our Canadian economy I would like to see a little more leadership by our government in making sure that we keep our businesses here."

When I spoke to people at the door, as I went around last weekend talking with various people in my riding, I had concerns expressed to me about how the process takes place. Someone said to me: "What happens if I have a complaint? If I have a complaint about the service in Gray Coach, what do I do? I have phoned Gray Coach but that doesn't mean that I get a satisfactory response."

The process, as I understand it, is that one should send complaints to the transport board. If the transport board deems those complaints to be of sufficient magnitude, it will bring in the carrier, in this case Gray Coach, and discuss the issues, the complaints, and any possible way of improving the service or whatever the complaints happen to be about.

It seems to me that process is wrong; it's backwards. I really don't understand why we can't have a mechanism whereby a public carrier such as Gray Coach reports once a year to the transport board and says: "Here is what we have been doing. Here is what we are doing now and here's what we plan for the future by way of improvements in the service, by way of meeting customer needs, by way of extending our routes."

They are answerable to the transport board, surely, and the board is to the government. If the member for Scarborough Centre is going to tell me that it all relates back to the TTC and Gray Coach is nothing but a puppet of TTC—if he really believes that—surely there is a course of action through the municipal politicans? They have some voice and control and some power over what's occurring.

What I am saying is that we have a service which is politically answerable and if it is

not answering, we require some political pressure to make sure it does. I don't see anywhere in the material I have received or heard in the conversations I have had that the people at Gray Coach are unwilling to respond to requests; unwilling to be answerable to political pressures; or flaunting whatever responsibility they have; or ignoring government demands. I have never sensed that; perhaps the member has and, if so, I would appreciate hearing about it.

I think the process is backwards. I suggest that, through all of this, we revamp that process and we take an active part to ensure that Gray Coach will respond on a yearly basis and plan its service.

It shouldn't do that in a vacuum and that's the second part of the problem we face here today. Surely, what we need is an overall transportation policy, something which integrates the various forms of transportation—rail, plane, bus, the automobile, whatever. We must look at it as a total package. I realize the minister may come back and respond that we really can't do that in the province without federal initiative and federal involvement. Along those lines I agree but let's take some initiative and get the thing started.

Let's not end up with the possibility that the towns in rural Ontario are going to be left without bus service or—the alternative—that we end up subsidizing those routes. If we end up doing that, we are subsidizing those routes through public money so that an American corporation can take profit of those main routes. In my books that is wrong. I don't know how it sits with the government but in my books that is wrong.

Like others, I am concerned about the service because I think that is the first place one starts, that is the first consideration. What bothers me about the process that has gone on up to date is that I really don't sense that the transport board set that out as its primary objective, because if it had it surely would have investigated that service and not simply relied on whatever submissions were put in front of it. In some jurisdictions, boards which have hearings go beyond the material which is submitted at the hearings. They do some investigation on their own. They involve people outside of that transport board and people outside of those who have made the submissions. They take an active role in helping to develop the whole programme. That hasn't been done here.

I rise today, like other members, to protest the process which has gone on and to protest all of those possibilities which could happen. If there is one job lost out of this whole business I'll be back here and I will be saying again and again "that the government is wrong"; and if it won't change its mind, maybe the people in this province will decide to change their mind about who governs.

Mr. Villeneuve: In rising to take part in this debate, I do so because, having served as a member on the transport committee this year, everywhere we visited in this province people asked for better service. I should judge that the people in northern Ontario where the population is sparsely settled are entitled to get the best service possible. Therefore, I feel it is a rather strange thing that this company, Gray Coach Lines Limited, is stirring up such a fuss through the news media. I wouldn't want to see any man lose his job, but for a company that has carried over seven million passengers in 1974—and there was a substantial increase in 1975—since both these routes in total make up four per cent of that total of passengers carried, it seems rather strange to me that they can put forward an argument without any financial figures—

Mr. Warner: It is 38 per cent of revenue.

Mr. Villeneuve:—to back their argument that they are going to go out of business. That is very hard for me to understand. When I think of the people in Sudbury and elsewhere who come in from the western provinces travelling by bus, in particular elderly people who have to transfer, there is quite a change when they can stay in the same airconditioned bus with all the facilities and have it go direct, straightforward, right through to Toronto.

We had the same situation on train service—the hon. member for Cornwall (Mr. Samis) will know about it—in eastern Ontario, where we had a train change at Brockville. It was shameful to see elderly people who could not check their baggage have to carry it. Sometimes the train section from Ottawa was in the station before that. If they had three or four bags of luggage, they could carry only one or two at a time. They were nervous and excited. In spite of the conductor saying we are going to wait for you, these people were frustrated. I heard more than one say they would never travel by train again.

Mr. Samis: There is no American company in there.

Mr. Villeneuve: I am talking about service to Ottawa. I am not talking about interest or who owns it or anything else. There is a very substantial amount of Canadian finances attached to this Greyhound company too.

Mr. Philip: Run Gray Coach to Sudbury then.

[5:00]

Mr. Villeneuve: I have implicit confidence in the Highway Transport Board. I realize many of the decisions they make are not easy, but they have given everybody who wanted to appear the opportunity to appear, they've heard the evidence of 70 witnesses and they've come to the conclusion that on the evidence presented the public interest should come first. I don't think there's anybody on any side of this House who would argue with that.

It recognizes, too, that there are serious deficiencies in the current service offered on the route. It also found that Gray Coach Lines had not been fully aware of the unsatisfactory conditions arising from the transfer of passengers and their luggage at the terminals in question.

Greyhound operates into Sudbury from western Canada, and Gray Coach continues to run to Toronto. Until the introduction of the Hostess service in June of this year Gray Coach offered no express services to Toronto, except during the summer months. Of the total passengers between Sudbury and Toronto, 75 per cent are through passengers, and of these about 50 per cent have origins or destinations beyond Sudbury on the Greyhound route.

It is my contention that the board ruled in the best interest to give public service, and if a firm says that it's in danger financially by losing four per cent of its total business, I would have to see statistical figures to prove its case.

Mr. Speaker: The hon. member for Erie.

Mr. Haggerty: Thank you, Mr. Speaker. I want to speak in this particular discussion this afternoon and to support the leader of the Liberal Party on his views taken this afternoon. Perhaps there is no other member in the Ontario Legislature who uses a bus more often than I do, and I do travel back and forth from Fort Erie, sometimes Niagara Falls, to the Legislature here. I find that the service is exceptionally good, and to listen to the member for Scarborough Centre (Mr. Drea) leaves some question of doubt about the service. The terminal at the city of Niagara Falls is an excellent terminal; the buses run from Niagara Falls to Toronto every hour on the half hour, and that starts at about 7:35 in the morning and runs straight through to pretty near 10:30 at night. The return leaves Toronto to Niagara Falls every hour on the hour. Besides that there are five scheduled services running between Toronto and Buffalo. There may be two scheduled routes via the Lewiston Bridge. In the article in the Toronto Star of December 9, one of the persons from Smith Transport who appeared before the board stated that he wasn't too happy with the service to Buffalo. Perhaps he got on that bus route going to Lewiston which makes its connection in Buffalo for Cleveland, I guess it is, Pittsburgh, New York and Washington. So there is an exchange or stopover at the Greyhound bus terminal at Buffalo.

It is a good service and it is a profitable, money-making service for the Gray Coach Lines. Reading some of the different articles in the newspapers, and the comments from the minister, my main concern is about the unemployment situation that could arise from giving the Greyhound Bus Lines the rights to the franchise to travel over already existing good service in the province of Ontario, particularly from Sudbury to Toronto and from Toronto to Buffalo or Niagara Falls. I might also say about this trip from Niagara Falls to Toronto that sometimes there are about three buses that leave in that hour from Niagara Falls and pick up in St. Catharines; it's an exceptionally good, strong, healthy climate for bus service there. The only thing that's lacking in St. Catharines is that there should be a new bus terminal there close to the Queen Elizabeth Way, which would cut off about 15 or 20 minutes on the run to Toronto. Altogether it takes approximately two hours to get to Fort Erie, which is right next door to Buffalo. In Fort Erie the private enterprise system set up a new terminal with good seating accommodation for passengers to be picked up in Fort Erie by the bus from Buffalo. I often catch the bus there at 9:10 in the morning and I'm in here by at least 11 o'clock in the morning.

This through bus service that you're telling me is going to take place by Greyhound will leave Buffalo about 15 minutes earlier than the Gray Coach leaves now from Buffalo, picking up about 10 persons. Under the old schedule it would pick up about 10 persons in Fort Erie, go to Niagara Falls and pick up a full busload there, going on to Toronto with a full bus.

There's no mention here whatsoever about conservation of energy. These buses are going

to run half empty, which is one of the reasons I travel to Toronto by bus. I can't see driving more than 100 miles to Toronto with one person in a car. I think this is a point you should be looking at.

One of the other points I would like to mention is about the unemployment. I'd like to read this letter from a group of wives of the Gray Coach drivers, addressed to myself:

"We are four wives of Gray Coach drivers writing to you for your help.

"We were all transferred here to Fort Erie last April 1975 and were all agreeable to this move. Our husbands operate the Gray Coach service from Buffalo to Toronto. We found out yesterday, November 23, 1976, that Gray Coach lost their court case to Eastern Greyhound to operate service between Buffalo and Toronto, also Sudbury and Toronto. Our understanding of this is, Eastern Greyhound is strictly an American-owned company. Gray Coach is owned by the Ontario government" —I think that should be corrected—"We don't feel it's right that a judge has the right to give away work that is operated by the Ontario government. Our husbands have been told that Gray Coach will contest this ruling.

"Now, we would like to tell you what it means to us as the families of these four drivers. Of the four drivers transferred to Fort Erie, three sold homes in Toronto to move down here. All four have purchased homes here and are now settled in. We are now being forced into selling our homes and being transferred back to Toronto. With housing the way it is we are not in a position financially to now turn around and sell here and buy again in Toronto. We might add, we do not intend to go into apartment living with our children. Combined, we have 10 children involved who are all actively involved in school and community activities, more so than anything ever offered them in Toronto.

"Our husbands are now working on a eight-hour day as compared to a 12½-hour day and a possible two nights overnight in Toronto. This was a big factor in taking up this residency so that we would be able to have a family life to offer our children.

"All wives concerned upon moving back to Toronto would have to go out to work in order to maintain a house and, therefore, our children would have to be taken care of by someone else when we ourselves prefer to look after our own families."

This letter is from four bus drivers' wives, Mrs. Judith Lauder, Mrs. Muriel Ambridge, Mrs. June Mullin, and Mrs. Marg O'Brien, who are deeply concerned about the loss of employment their husbands might suffer through this transfer of busing rights over Ontario highways and in different communities in Ontario.

I'm also concerned about unemployment when it's now almost at a level of eight per cent and perhaps will continue to go higher. When I asked the minister on November 29th about the loss of employment, he kind of assured me there would be no loss of employment. I think things have changed now and there will be a loss of employment in busing in Ontario.

The member for Scarborough Centre also indicated there was a monopoly in busing service, and I think he's quite right in using that particular phrase. If I can expound on it, I think the whole crux of this thing is that there is a power thrust in this matter, getting control of the bus lines in Ontario. We've got the Power Corporation in Quebec, which presently runs the Voyageur bus line, and we've got Greyhound trying here to take over the profitable routes in Ontario. I suppose where Gray Coach operates, it's going to cause some difficulties.

I think the intent is to snow them under, to take over the exceptionally good bus runs here in the province of Ontario, and then eventually perhaps Gray Coach is going to have to sell out to one of them. If they do, they're going to sell at a loss. I feel that this is where the monopoly comes in. Once they get into this business of having the rights to almost every community in Ontario and every highway in Ontario for a franchise, then it is a monopoly.

You can rest assured when there is a monopoly the price is going to be right. As it is now the Ontario Transport Board sets the price rates for different buses in Ontario so there's no competition in this matter at all. The schedule rates are almost the same or on an equitable basis set by the board.

I'm not too happy with the decision of the Ontario Transport Board, but I think there's room for improvement. I think they could come back and take another look at the matter and allow the Gray Coach to continue. They are providing good service in the Niagara Peninsula and I would not want to see that taken away. There may have been some difficulties with the matter of transfer in Buffalo, but that's like any other business: if you're travelling by aircraft you have transfers; you have transfers by trains and so forth; so I don't think that any member suggesting that they have to change luggage is a good argument.

On this basis I support my leader in this position. I think the government should take

another close look at this thing and keep Gray Coach in operation in the province of Ontario. They are doing a good job.

Mr. Speaker: The hon. member for York South.

Mr. MacDonald: Mr. Speaker, I'd like to begin by referring back to the comments of the Attorney General this afternoon. He started out by welcoming public debate on this and then very vigorously opposed the proposition that we should have the debate this afternoon. That rather contradictory posture was perhaps not surprising, but his reasons are what I want to focus attention on.

His reasons were that we would be riding roughshod over something that is going to be discussed and reviewed—at the direction of the cabinet—by a quasi-judicial body. I want to suggest that argument is entirely specious. The issue this afternoon is not that this is going to be reviewed by the Ontario Highway Transport Board; the issue is what is government policy?

I was interested in the leader of the Liberal Party contending that there's been a reversal of government policy.

Mr. Cassidy: How could there be?

Mr. MacDonald: I don't know whether there's been a reversal because I don't know what the original policy was; nobody is particularly certain as to what the original policy is.

This is what I want to stress for a moment: If policy is, as suggested by what has happened in the last week, that you're going to cream off the profit by introducing competition on the profitable express routes, then I ask the question, where are you going to get the money to extend the service to those parts of the province that are inevitably going to be non-profitable but are entitled to service?

Implicit in what has happened is that your policy, if I can find it, is wrong. You're deliberately going to let another company come in and cream off the profit on those express routes from Buffalo to Toronto and from Toronto to Sudbury. This simply means that the Gray Coach, or any other company in a similar position, is not going to be able to extend its line out into the smaller areas of the province where they are entitled to have service too.

The minister befogged the issue once again. His comment with regard to why the decision was made by the transport board on this was that public need comes first. That's a rather narrow interpretation of public need; that there was a public need for more services there and Gray Coach may have not been giving the best possible service. I hope the minister is using public need in the broadest sense because if public need is going to come first then the profits from those profitable lines should be available to extend the service to Owen Sound, to Alliston, to Guelph, to any place you want across the province of Ontario.

Mr. Lewis: Just Alliston.

Hon. Mr. Snow: They were already cutting service in those areas before this decision.

[5:15]

Mr. MacDonald: Let me move to the next point—the relationship between a quasi-judicial body and the government. Let me tell the House of a rather memorable bit of testimony which we had before a select committee on the Ontario Municipal Board, conducted in this Legislature some four, five or six years ago. Some of our hearings were held in Winnipeg and we had before us the chairman of the Manitoba Municipal Board. He made the comment that if an issue ever came before the board for adjudication and they weren't certain what government policy was, they adjourned the hearings. He wrote to the government and said, "What is your policy in this area? Until I know what your policy is, I can't exercise my responsibilities."

The point is that the function of a quasi-judicial body is to interpret and apply government policy, not to make government policy. What we've had is an absence of government policy here or, at best, a very unclear statement of government policy. Therefore, the need is for something to be done in terms of clarifying that policy which takes me to my next and really my final and most important point.

How are we going to do that? Let me remind the minister of something I'm sure he's generally aware of. Over the last 20 years in the province of Ontario we've gone through many changes in terms of departments and ministries. We used to have a Department of Highways and the government saw fit to split off from the Department of Highways those non-highway aspects of the department and put them in the Department of Transport.

One of the terms of reference for that new department was that it was to do research in the development of policy. I recall many occasions in the early years of the 1960s when

we began to discuss the estimates of this new department within this Legislature and asked: "What are you doing in clarification of policy? What are you doing to co-ordinate and develop some sort of integrated transportation policy within the province of Ontario?"

In Ottawa a few months ago, when Jean Marchand was still the Minister of Transport, he made a comment which was somewhat indiscreet politically but, I suspect, dead true. He said the national transportation policy of this country was in a mess. He was right—and transportation policy in this province is in an equal mess.

Yes, it is. That's the problem. This government has a fragmented transportation policy and what it has engaged in in the last month or so is an action which is going to increase that fragmentation, it isn't going to integrate it.

Mr. Conway: Throw the rascals out.

Mr. MacDonald: I have a suggestion. I think it's about time we began to move toward an integrated, co-ordinated transportation policy. Perhaps we should start with the provision of bus services. Perhaps we should start with a policy which clearly indicates—as we have done with Hydro and every other public service—that when one can make profits in an area which is potentially profitable, those profits shouldn't be drained off to a competitor but should be used to extend that service.

My suggestion to the minister, if it doesn't ideologically shake him off his chair, is that if TTC is planning, as TTC is, to get rid of, to sell, Gray Coach the time has come for the government to move in and take over Gray Coach as a publicly-owned Crown corporation. The government can use it as the nucleus of the development. In the first instance, Gray Coach now has jurisdiction in the whole of central Ontario; the government can immediately co-ordinate it with the ONR and the bus service, which is part of the whole ONR structure.

Mr. Bain: Let the ONR take it over.

Mr. MacDonald: From that point forward it can examine whether or not Voyageur, which has eastern Ontario and is another major bus line, should be brought in. We would have a co-ordinated bus service to begin with and in the whole process the government could extend it's co-ordination and integration to involve railway, airlines and all the other forms of transportation.

Hon. Mr. Snow: I am not going to take over the airlines. They are already—

Mr. MacDonald: I'm not suggesting the government should take them over.

Mr. Foulds: What about norOntair?

Mr. MacDonald: It has already, in a fashion, taken them over in northern Ontario.

Interjections.

Mr. Conway: Airlines were a problem earlier.

Mr. MacDonald: I was interested in the comments of the hon. member for Scarborough Centre who was rather scathing in his criticism of the incompetence, and various other words which he used, of the management of Gray Coach, both in the operation of the system and in its handling of these particular hearings. I'm not in a position to come to a final judgement as to whether or not he was too harsh in his rather scathing comments, but if there is any question, as the minister obviously believes there is, that Gray Coach hasn't been doing a good job, all the more reason why Gray Coach should be not a subsidiary of an urban transportation system, the TTC, because the people in the north are likely right when they suspect a transportation system centred in Toronto is not really going to take into consideration the best servicing of its whole jurisdiction out beyond the metropolitan area.

That, I think, is an appropriate kind of jurisdiction and responsibility for the provincial government. Let it take over Gray Coach, make it a publicly-owned Crown corporation, make it the nucleus for the development in the first instance of the best possible kind of bus system, and through this ministry, which now has jurisdiction over all communication, develop a policy and state that policy clearly. In that whole process, not only will the government have better bus services, but it will clarify its relationships with the Ontario Highway Transport Board, so they wouldn't be doing the minister's job for him in the absence of his action, as has been the case down through the years.

Mr. Conway: Is the member for York North going to pitch in here?

Mr. Lane: Mr. Speaker, I'd like to take a few moments this afternoon to address myself to the situation that has developed since the Ontario Highway Transport Board approved the application of Greyhound Lines to operate over certain areas of the province that at present are served by Gray Coach.

Having been a member of the select committee studying truck transportation on Ontario highways, I was in a position this past summer to hear views from many people and listen to many submissions. There was always some comment made about the Ontario Highway Transport Board, and in nearly every case these comments were good. The chairman of the board, Mr. Shoniker, is held in especially high esteem by the very many people who have used this board in the past.

The decision on this matter was not made lightly. I understand there was testimony from over 70 witnesses and the decision was made in full knowledge of the service that Gray Coach Lines were providing. I think the leader of the Liberal Party was entirely wrong when he attempted to get the minister to overrule the decision of the board.

Mr. Conway: He's backing up pretty fast.

Mr. Lane: This type of decision should not be made in the political arena, and the public is better served under the present setup. In fact, I can just hear the flak from the members of both opposition parties if the government, in fact, did make these kinds of decisions.

Mr. Lewis: What?

Mr. Moffatt: Why don't you set a policy?

Mr. Conway: What about Spadina?

Mr. Lane: As everyone knows, there is an appeal system and that is the route that Gray Coach should be going if they're not satisfied with what was handed down and they don't think they can stand some competition. They should go that route, and I don't know why they haven't gone that route before now.

In my experience, a little competition is always good for the trade and keeps people on their toes. Generally the public benefits from it. There are some cases, of course, where there just isn't enough room for competition. Maybe this could be one of those cases. I personally don't know that because I haven't been that close to the situation that we're now faced with, but I would really doubt that.

Mr. Conway: Politics in Lambton county.

Mr. Lane: Gray Coach was aware of Greyhound's application since November of last year, yet it made no real effort to upgrade its services. It really seems to me that they're not interested in the comfort or convenience of their passengers.

Mr. Conway: Keep on talking.

Mr. Lane: Another matter that was raised in recent days, I believe by the Leader of the Opposition (Mr. Lewis), was the fact that Greyhound had paid the expenses of the witnesses who had appeared before the board on their behalf. I would assume that they did. I think this is only fair. I know that when the people who are in the transport business in my area come down to try to get an application approved or to oppose an application, they bring witnesses with them and these witnesses have travel expenses, accommodation expenses and so forth. I think if these people donate their time you can't expect them to donate their money to pay their travel expenses and hotel expenses. I think there's nothing wrong with Greyhound having done that.

Mr. Conway: Free enterprise.

Hon. B. Stephenson: The members opposite—

Mr. Conway: Keep talking, Bette.

Mr. Speaker: Order, please.

Mr. Lane: It's not really too difficult for people like us in this chamber to transfer ourselves and our baggage from one bus to another. But in the case of a mother travelling with small children or a senior citizen travelling alone, it causes a very great hardship.

An hon. member: Let them go by airplane.

Mr. Lane: And also during the winter months when the weather is very cold, Gray Coach makes many stops between Sudbury and Toronto and the doors are opened many times and people are very uncomfortable. I know this for a fact because my wife and I made a winter trip on Gray Coach from Sudbury to Toronto, and my wife said that never again would she consider such a trip in the winter.

Just last weekend I found out that Air Canada flights out of Sudbury to Toronto for Sunday travelling were all sold out on Saturday morning, so I wasn't able to get air transportation back to Toronto. I got in my car Sunday afternoon and drove 375 miles down to here for an early morning meeting on Monday and—

An hon. member: I don't envy you.

Mr. Lane: — and as the member for Erie so rightly said a few minues ago, I shouldn't have to do that. I should have good enough bus transportation service that I wouldn't

consider burning up that extra fuel to get me back to Toronto.

Mr. Sargent: Use a government limousine.

Hon. B. Stephenson: We don't have any.

Mr. Gregory: Are you back, Ed?

Mr. Good: Why don't you have Leo pick you up in the plane?

Mr. Lane: I did not even consider the bus trip because I knew it would take two hours longer to get here by bus than it would by my car and it wouldn't be comfortable en route. But if we had the kind of bus service that we hope to have I would have looked at the bus service as an alternative to Air Canada and I certainly don't do that with the bus service from Sudbury now.

Many of the northern members, including myself, have been talking at great length about improved services to our people. I would like at this time to read into the record a letter I received from Roger Taylor, mayor of Elliot Lake, dated November 29, 1976:

"Dear Sir:

I understand the application made by Gray Coach Lines with respect to improved services for northern Ontario communities along Highway 17 was approved by the Ontario Highway Transportation Board. As this service is both essential and highly desirable by the residents of these communities I would urge you to do everything within your power to ensure that this is implemented as soon as possible."

Those are Mayor Taylor's words, not mine.

Mr. Foulds: Who is it signed by?

Mr. Sargent: He want's Gray Coach, too.

Mr. Lane: Mr. Taylor ran against me on the NDP ticket in 1971.

You know, Mr. Speaker, from time to time members of that party have expressed a great interest in Elliot Lake and I ask the members for Sudbury (Mr. Germa) and Nickel Belt (Mr. Laughren) and Algoma (Mr. Wildman) who are not in the House at this time —I guess because they can't face the situation—

Interjections.

Mr. Foulds: Ever heard of committee work?

Mr. Lane: I would like to ask these people if their friend Mayor Roger Taylor is right or wrong? Is he wrong in wanting better service for the people of Elliot Lake and the north shore? I don't think he's wrong. I think he's right on.

Mr. Foulds: What about the provincial Crown corporation to do it?

Mr. Lane: I think Mr. Taylor's right on.

Mr. Samis: Did you support Jack Horner?

Mr. Lane: When this case was brought before the board, evidence was brought out that the passengers carried on the routes involved—Toronto to Sudbury and Toronto to Buffalo—amounted to somewhat less than four per cent of all the passengers carried by Gray Coach Lines Limited. Mr. Musgrove, vice president of operations, did not see fit to file a financial statement of the company, which would have been a great assistance to the board; nor did he put forth any figures to justify his contention that Gray Coach was not making sufficient profit from its operation on GO Transit.

Mr. Lewis: That's a lot of balderdash.

Mr. Lane: It seems to me that in view of the fact that we are talking about less than four per cent of the traffic carried by Gray Coach and in view of the fact that the minister has requested and the chairman of the Ontario Highway Transport Board has agreed, pursuant to section 17 of the Act, to review any impact on bus service to various municipalities that could result in a decision of the board to allow the operations of Greyhound and Stock Brothers, owned by Travelways and operated over exclusive Gray Coach bus routes, that the matter is back where it belongs—with the Ontario Highway Transport Board and not in the political arena. The right to appeal a decision has always been used by any party that is not satisfied with a decision.

Mr. Conway: Did Michael Gee write that?

Mr. Lane: I wrote that myself.

Mr. Lewis: Really?

Mr. Lane: I listened to some of the people from both opposition parties on the select committee this year and those people were saying the Highway Transport Board should have wider powers.

Mr. Conway: In administration, not in policy submissions.

Mr. Foulds: Go get 'em, tiger.

Mr. Lane: Now they are saying we should take the power away from them and deal

with them here in this House. I can just imagine the reaction across the street if we were dealing with these problems in the House and there wasn't any board to look after them for us.

Mr. Deans: Who suggested that?

Mr. Lane: It's been suggested here this afternoon.

Mr. Deans: No.

Mr. Lewis: Nowhere.

[5:30]

Mr. Lane: Oh, it has been.

Mr. Deputy Speaker: The hon. member will just ignore the interjections. I'm asking him to do so.

Mr. Deans: He better not.

Mr. Lane: I would very much hope that there would not be one driver lose his job. Especially at Christmas time, it hurts me to think that drivers will be out of work and families will suffer.

Mr. Conway: Where is your Kleenex?

Mr. Lane: It has been suggested that 245 drivers will lose their jobs. Gray Coach would have to go totally out of business for 245 drivers to lose their jobs.

Mr. Warner: They may.

Mr. Lewis: That might happen.

Mr. Lane: That might happen, but it's a long way from happening now.

Mr. Conway: Is your job up for grabs?

Mr. Lane: If Gray Coach has any guts at all they'll pull up their socks and start doing a good job on the roads they have a right to work on and they won't have any trouble with competition. Thank you, Mr. Speaker.

Mr. Cunningham: Mr. Speaker, I'm pleased to participate this afternoon, I suppose on behalf of most of the people of Ontario. I was interested in the observation made by the previous speaker on the efficacy of this debate, and I must say I'm equally impressed by the logic put forth by the hon. Attorney General, who I guess felt because it was sub judice that in fact we couldn't discuss it today.

I can only say to you, Mr. Speaker, that those comments are consistent with the kind of legal wisdom we've had from the Attorney General to date in this House insofar as he's been consistently wrong. I think it is important for us to want to debate this very important issue at this time. I don't blame Mr. Shoniker or Mr. Stoddart or people like that, appearing at this particular application decision. I think they've made it—and they have made some decisions—but they made it in the absence of any policy by this government. I think that's the most important fact that comes out today. There is no policy there in that particular ministry and that's why on a continuing basis we're in trouble on these issues. I think it all goes back to the subject of leadership. Contentious decisions have to be made on a daily basis. Regardless of what way the decisions went, the decisions shouldn't have been made in the absence of government policy.

Mr. Maeck: I wouldn't bring that into it.

Hon. Mr. Wells: You were doing fine until now.

Mr. Cunningham: I have raised this issue before—unfortunately I suppose it was out of order at the time: What is the process by which the government of Ontario conveys its feeling on a daily basis to the Ontario Highway Transport Board? I'm sure there's no member in this House would suggest that a certain decision be made on carrier A, or carrier B, or any certain bus line.

The important thing is that before any of these decisions are made there is no vacuum there of thought, but that there is, in fact, an established, well principled, well thought out, properly conceived policy. I can say to you, Mr. Speaker, from my point of view, in my brief experience not only in this House but also on the select committee on transportation on our highways, that there is, in fact, no policy. It is apparent on a daily basis, day after day, that you see the decisions, there is no relevance in these decisions to what has been discussed in this Legislature and what is in fact put out by this cabinet.

Mr. Conway: Shame.

Mr. Lane: Maybe you would like to go to cabinet.

Mr. Cunningham: In 1974 I refer you to a decision made respecting a carrier from Hamilton and a carrier from Windsor, who wanted to interline. They were well represented by counsel in this particular hearing. They had to face about 70 witnesses in opposition to them brought out by major carriers, and in that summation the counsel of the applicant quoted the Hon. Darcy McKeough, Minister of Energy at the time, ad infinitum on the importance of conserving energy. Had that de-

cision been realized and accepted through granting of interlining licences, we would have saved hundreds of thousands of gallons of fuel. What happened to that decision was it just didn't come through, and to what extent we have a meaningful relationship between cabinet and the Highway Transport Board, I can only say to you that it's nonexistent.

Late in November and earlier this last week I asked both the minister and the Premier himself about the possibility of excluding the Minister of Transportation and Communications from any discussion in this cabinet on this very contentious issue. I asked that because it is quite apparent to me, watching him on the media and reading his comments in the newspaper, and even in his comments here in this House, that he has a predisposition on this particular issue and he feels very strongly about this subject. With that in mind, I think he should be excluded from any discussion when this reaches the cabinet stage.

I'm glad to hear today that, in fact, he is acknowledging the wisdom of those remarks. I guess that was raised initially by the member for Scarborough West, the hon. Leader of the Opposition.

I can only say to you that we won't know whether he has participated in this discussion or whether he hasn't, until a decision is made. When we know it's appropriate then we'll know he hasn't been involved in the discussions.

I want to comment very briefly on the topic of bringing in these witnesses. This is one of the recommendations we have made in our report. I think it's time that this kind of environment that exists at the Highway Transport Board be discontinued. It basically means that where those who have the resources to bring someone down—not only someone but 70 witnesses—and pay for their expenses, and likely a lot of air expenses; well justice cannot expect to take place in that kind of environment. I will say only that those are some considerations which we should make before any decisions are made.

Very briefly, on the subject of cross-subsidization, we all realize the importance to all our communities, be it the transportation of people or the transportation of goods, of cross-subsidizing those less profitable routes. We all know, especially those of us who have rural areas in our constituencies, that it is not profitable to run into many areas.

Notwithstanding that, Mr. Speaker, since you represent a constituency where that's very important, you know it's important that these smaller communities have some services. To that end, we can only suggest some trade-offs. A company has some of the more lucrative areas and thus, at the same time, by virtue of the granting of its licence, it is required to serve some of the smaller communities. That's the long-standing principle with this board. I am sorry to see that it has been abridged or abrogated by absence of government policy in this recent decision. I can only say that I urge the cabinet to reconsider this particular issue and to remove it from the Highway Transport Board.

A decision has been made, rightly or wrongly. It is going to go to the appeal process. I urge the minister not to get involved in some subterfuge and some meaningless delays through section 17 of The Ontario Highway Transport Board Act, to show some leadership and deal with this issue today and not in some interregnum period where the opposing bus lines will be established and difficult to curtail.

An hon. member: Let's hear from the member for London North (Mr. Shore) on this.

Mr. Lewis: Just before this riveting debate grinds to a halt, I would like to offer some comments on the substance. I would like to speak to the Minister of Transportation and Communications to put a couple of points I would like to begin with. Number one, I believe firmly, and many of us in this caucus believe, that Mr. Shoniker is perfectly capable of coming to the decision he arrived at without any undue influence or suggestion of influence from any quarter. I suspect and feel strongly that Mr. Shoniker believes quite fully in the kind of decision he rendered and that it expresses the evolution of his own attitude toward the highway system in Ontario. It is, we think, fundamentally wrong, but I have no doubt in his terms it is honourably held.

Mr. Shoniker, for whatever reason, has fallen prey to the gratuitous abuse of Gray Coach which is so fashionable on the government side this afternoon and has also mirrored the private sector fetishism which is so fashionable on the government side. Whatever has caused Mr. Shoniker to go through this metamorphosis in opinion, he has achieved it on his own, I have no doubt, and he has made his decision; but he should not have allowed himself to make it because it wasn't his decision to render, it was a government decision to render.

The Minister of Transportation and Communications, I have no doubt, approved of that decision as a logical extension of his own

social philosophy. The Minister of Transportation and Communications is a man who has undoubtedly been jaundiced about the role of the public Gray Coach as a carrier and would naturally, instinctively, and through everything about him, want a private sector carrier to prevail. That's the nature of the Tory party and the nature of the beast.

Hon. Mr. Snow: You are not calling me a beast, are you? That's unparliamentary.

Mr. Lewis: I use that in the broadest generic terms. Don't in any sense take that seriously or personally. It is not unparliamentary.

Mr. Singer: Why doesn't the minister challenge him?

Mr. Lewis: I think it is true of Mr. Shoniker and I think it is true of the Minister of Transportation and Communications. They come to this kind of specious conclusion in the absence of any policy. We work in an absolute vacuum so that their instincts and their natural inclinations prevail. Their natural inclinations are a hymn to free enterprise and therefore Greyhound gets this kind of preference over and above Gray Coach.

In order to deal with it, though, in order to explain it this afternoon, for example, the government has to indulge in all of this flailing act in abuse of Gray Coach. I haven't heard more nonsense than that which was given by the member for Scarborough Centre, and I dignify it, in his use of phrases such as "corporate terrorism" and other things. My God, one never hears that kind of extravagance and hyperbole from this side of the House, but certainly the member for Scarborough Centre is addicted to it.

While they abuse Gray Coach for a presentation that may have been inadequate before the board—and I must say I wondered a little and my colleagues wondered a little about the extent of preparation of Gray Coach before the board—let me point out to the Minister of Transportation and Communications two things: If the Ontario Highway Transport Board is concerned about the services provided by any carrier, it has a right under the Act to call that carrier before it to indicate to the board why the licence should be sustained in the absence of adequate service. If the Ontario Highway Transport Board has a number of complaints against a carrier it has a right to bring the carrier before it and to demand an explanation.

Did Mr. Shoniker and the Ontario Highway Transport Board ever do it? No. Did they ever give Gray Coach any suggestion that there was wrong-doing or inadequate service? No. The fact of the matter is that the Ontario Highway Transport Board, if it felt that way, was entirely culpable.

Hon. Mr. Snow: Seventy witnesses told them that and they never agreed to the move.

Mr. Lewis: The 70 witnesses brought by Greyhound, not by the board.

Hon. Mr. Snow: They never agreed to the move.

Mr. Lewis: Let me take it the the next step. If the board and the government are jointly concerned about the provision of service in any area of the province, then the government has it within its domain to say to Gray Coach: "Extend your service through northwestern Ontario; extend your service through northeastern Ontario; improve the service you are now giving." Was that ever done by the government of the province of Ontario? Can the minister stand and cite chapter and verse where he asked Gray Coach to do that kind of thing?

The minister is filled with an absolutely smacking hypocrisy. He abuses them on the one hand and yet he has never used the avenues available to him to draw them to account on the other. So one must believe that Gray Coach in fact wasn't doing a bad job at all.

In truth, if one looks carefully at the Gray Coach operation and if one speaks to passengers on the main profitable and other runs and if one deals with the drivers, one is dealing with a pretty good service all in all—a service in certain areas like the Toronto-Buffalo run of utter excellence. To suggest otherwise is for the government to indulge in an argument to beat its opponent about the head because the government has nothing better to say for itself. The Ontario Highway Transport Board defaulted, and frankly, so did the government.

Where does that leave us? That leaves us with Greyhound doing exactly what it wanted to do. Already the statistical data is writ large in the annals of the last 48 hours. On Tuesday night at 12:30, the first night the overrun was made, the Toronto-Sudbury Gray Coach carried six passengers; the Toronto-Sudbury Greyhound that departed at the same time carried 26 passengers. Last night, the Toronto-Sudbury run carried 23

passengers; seven on Gray Coach, 16 on Greyhound. The Sudbury-Toronto run left Gray Coach running with two passengers, Greyhound with 19. The government has already driven the nails through, and it is perfectly conscious of what it is doing because it understands it.

Hon. Mr. Snow: You are saying the public doesn't have the right to a choice.

Mr. S. Smith: You know damn well they will take express over local.

Mr. Lewis: Of course they will take express. The government has given it to them, and it can see the statistics. This, as a matter of fact, makes of Gray Coach's predictions an underestimate. They could have been more calamitous and they would be right.

Does the government know what Greyhound does? The normal mode of operation in the 50 years it has been working is to find a local partner, often a railway, set up a local Greyhound corporation and buy out the major local bus line. The new partnership would then use the leverage given it by its local operation and its superior financial resources to force other local operators to sell, giving the local Greyhound operation a monopoly. The parent Greyhound operation would then buy out its local partner in a stock trade and integrate the local operation into the Greyhound corporate family.

[5:45]

If there was no local partner to be found the mode of operation changed slightly. A local operator would be given a franchise to use the Greyhound name. Once the local operator became dependent on the business generated by the franchise Greyhound would use its leverage to buy out the locally-franchised operator. For example, as far back as 1940, Greyhound acquired Toronto Greyhound Lines Limited; in 1944 it acquired BC Greyhound Lines Limited. Both were former franchisees or licence holders.

From 1926 to 1976, the 50th anniversary being September 20, 1976, Greyhound has bought out, in this perfectly legitimate but entirely manipulative corporate pattern, 101 companies. It now has 101 subsidiaries, moving like a juggernaut right through the United States into Canada. The government is willing to relinquish to this corporate giant the one model of public corporation excellence we have in this bus field through exactly this kind of transaction.

If I may pull these things to a close—

Mr. Deputy Speaker: One minute.

Mr. Lewis: —what is most ironic is that the Gray Coach people have made the arguments that they'll lose money and they're right; they'll lose passengers, they're right; they'll lose jobs and they're right. We have no right in this province to jeopardize a single job. The government prattled so easily about jobs with the Reed Paper Company, which may be 10 years down the pike, but it blanches for not a second for 245 jobs which could be lost in the next number of months. That's the way the Tory party works.

May I say that the Canadian Transportation Commission report—we haven't discussed it here—on the Bruce Peninsula, 1974, showed that the unprofitable runs must be sustained by the profitable runs; just as the report on Alberta showed that the Edmonton-Calgary run sustained all the unprofitable regional runs.

All of the evidence is there but the government refuses to adhere to it. That's why we're opposing it so strongly and demand that the board be overturned and the policy be set.

Mr. Gregory: I rise to take part in this debate although I think by this time everything that can be said has been said. I would like to make one or two comments in regard to some of the statements made by the opposition members in their speeches.

The text of the hearing at the OHTB, I think, was clear and comprehensive. The statement was made that Mr. Shoniker has performed his duty as it should have been performed and I think this is so. Where we differ in opinion is in the statement that it was done with a lack of government policy.

This is not the case. The policy of the Ontario government, insofar as the Ontario Highway Transport Board is concerned, is that of service to the public, an extremely good service. The same thing applies whether it be an application in regard to bus transportation or truck transportation.

We seem to be hearing an entirely different position from across the way in regard to this application from what we hear in regard to truck applications. It's an entirely different position.

Mr. S. Smith: It's a different business.

Mr. Gregory: It's a different type of goods but it's still goods nevertheless. I've heard it said that we're operating in a vacuum with a lack of government policy but I have mentioned that government policy is one of service. I suspect the policy the opposition

members are looking for is a policy which says no public conveyance shall be opposed in any way. That's what they call a monopoly. Are they asking for a policy of monopoly from this government? I don't think they're likely to get it; we might get it from some of them.

Mr. Sargent: What a sick argument that is.

Mr. Gregory: I've heard yours, too.

Mr. Singer: When do we do away with Hydro? Next week?

Mr. S. Smith: Do away with the Toronto-Windsor monopoly?

Mr. Gregory: Are you going to speak again or do you want to listen for a while?

Mr. Deputy Speaker: The member will ignore the interjections and speak to me.

Mr. Gregory: I usually do. There was witness after witness before the board, and generally the expressions were—

Interjection.

Mr. Gregory: I doubt that; I doubt very much whether the member has any evidence to that effect. I don't think they have any evidence to the effect that they were paid to come either, such as the statement he was making in the papers—

Mr. Sargent: The minister said so himself.

Mr. Good: Read their ad in this morning's paper. They say they brought witnesses to Toronto and paid expenses.

Mr. Gregory: The general remarks of the witnesses before the hearing would seem to indicate a general dissatisfaction with the service of Gray Coach. I don't think that's a position or a story that's being made up by the members on this side of the house; it has been stated by witnesses—

Mr. Sargent: Paid witnesses.

Mr. Gregory: —through a properly appointed body, appointed by this government, to deal with this type of application.

Interjections.

Mr. Gregory: Mr. Speaker, I am having an awfully difficult time with the opposition members. They can hand it out, but they sure don't like to take it.

Mr. Breithaupt: I didn't think you were taking anything anyway.

Mr. Gregory: These witnesses were naturally brought to the hearings by the bus company they were supporting. The same thing happens in every application regarding trucking licences. Why shouldn't they do this? Is it a sin for them to bring in someone to back up their position? I doubt it. The only fault that was made, and the only mistake that was made, is that if the position of Gray Coach was to strong, as the hon. members opposite seem to think it is, why didn't they do that? Why didn't they bring some witnesses to say how wonderful—

Mr. S. Smith: They just couldn't believe that kind of decision could be made.

Mr. Gregory: They received lots of notice about the hearings. They had lots of time to do this. The fact of the matter is they were so complacent—which has been the source of their problem and why the service has become so bad—they were so complacent they didn't feel there was a chance that authority was going to be granted to an opposition body. They were so comfortable in their monopoly they didn't think there was a chance that anything was going to happen to it. But, lo and behold, there was a decision based on fact and for which I give all credit to Mr. Shoniker; it was based on fact and the authority was granted. I don't find it too unhealthy. I think competition is damned healthy.

Mr. S. Smith: Greyhound didn't think so in Montreal or New York.

Mr. Gregory: The only thing that some of this publicity has done—and I think for the most part it has been generated by the opposition members—is that it has caused a great deal of confusion in the minds of the public.

An hon. member: How about Spadina?

Mr. S. Smith: A $10 million give-away.

Mr. Bain: It has clarified their view of this government.

Mr. Gregory: I think the public has a pretty good view of this government. That's why we're over here and you're over there. And we're going to be over here for a lot longer.

Mr. Breithaupt: There is an Eric Winkler comment.

Mr. Bain: Your modesty overwhelms me.

Mr. Deputy Speaker: Order. The hon. member for Mississauga East has the floor. Please continue.

Mr. Breithaupt: He thinks he has got the whole building.

Mr. Gregory: Thank you, Mr. Speaker. One of the spinoffs from all this confusion is the confusion surrounding the commuters to York region who now find they cannot take evening buses from a downtown Gray Coach terminal. Instead, they must take the subway to Finch and then board. There's no heat in either the terminal there or the crude bus shelter.

Mr. Sargent: Isn't that too bad? They have to take a subway.

Mr. Gregory: They think this is a result of a decision on the Sudbury and Orillia-Barrie runs. Mr. Speaker, it is not. The Toronto Area Transit Operating Authority, which pays Gray Coach to operate the run, offered months ago to buy the terminal and shelter. This would have meant heat now. But Gray Coach refused. Now TATOA is putting in heat, even though it doesn't own the site.

Now the public knows this, it surely has the right to demand a clear-cut answer to just what is going on. The public is too confused about this, because of the publicity that has been coming from the spokesmen from the opposite side of the house. I think they unjustifiably confuse them. It's about time the members in this House started levelling, rather than political posturing, for the benefit of the people they hope to vote for them, and start doing what is right for the public in supporting this application.

Mr. S. Smith: Oh, you are changing policy.

Mr. Singer: Mr. Speaker, I am puzzled in this debate about some of the legalities and what I would term phoney issues raised by some of the people on the government side.

An hon. member: How about the one behind you?

Mr. Roy: He is out of order.

Mr. Singer: For instance, I think of the reference made by the Speaker earlier, when he came to the conclusion that we couldn't appropriately debate this because it was sub judice. I can't forget a comment made by the former member for St. Andrew-St. Patrick, when he was a cabinet minister. He had appointed some committee in his department to investigate something or other, and he had the cheek, as this minister and the Attorney General and a few others have the cheek, to come before the House and say, "The matter is sub judice and therefore you can't talk about it." That was the initial ruling by the Speaker earlier today.

I draw your attention, sir, to section 17 that says "the board may at any time review, have a rehearing" and so on. It doesn't say that the minister may direct the board to do it. It says that the board at its own initiative may do it.

The other section that we're concerned about is section 21 that says upon a petition the Lieutenant Governor in Council may review and order certain things. There is no petition and the thought that a petition may be forthcoming is a thought solely in the minds of the government people. Surely they cannot write legislation at their own behest to justify an Act that is quite improper.

If they want to go to the board and say: "Look further at the impact on bus service to various municipalities that could result from the Ontario Highway Transport Board decision," and the Ontario Highway Transport Board chooses to do it, that's fine. But don't let the Premier tell us and tell the Speaker and don't let him send the Attorney General to the people of Ontario to say, "therefore it's sub judice;" because he creates an illegal and false situation and then he says we can't talk about it—and he's wrong, wrong, wrong.

Now the other thing—

Hon. Mr. Davis: The petition from the union is in.

Mr. Singer: There is no appeal presently and there wasn't late this afternoon, and the minister said he expected one on Monday. He expected one on Monday and he didn't have it and he didn't have it yesterday, December 8—

Hon. Mr. Davis: Mr. Speaker, on a point of order. I don't think it matters that much but I just say, because the union representatives are here, my understanding is that there is a petition coming from their management—

Mr. Singer: Oh, that's a different thing.

Hon. Mr. Davis: No, no. I just want to say so the union representatives here will know that their homework has been done, that in fact a petition has been received from the union.

Mr. S. Smith: Not from your cabinet.

Mr. Singer: That's not a point of order. He doesn't have a point of order at all, Mr. Speaker.

Mr. Deputy Speaker: I agree.

Mr. S. Smith: The appeal cannot come from the union.

Mr. Singer: Surely to goodness the members of this Legislature should abide by the legislation which is written and which is law. What they have been doing is breaking the laws of the province of Ontario and casting a phoney appearance over the whole procedure in order hopefully to avoid discussion of a very important issue.

The hon. member for York North, who is no longer here, saw fit, appropriately as a member of this House, to bring a petition before us bemoaning the decision that had been made. Fine, that's his privilege. Many members of the House have done that.

It is most important that we be allowed a free expression of opinion and the inequitable, unfair, unrealistic and illegal apparent legalities the government purports to bring before us are wrong and should be disclosed as being wrong. This unfair tactic should be revealed; and merely bringing the Attorney General in for a few minutes at the beginning to argue that it's not so does not make it not so. If the government wants to change the legislation, let it so do.

The other very important point is this. Over many years I used to argue with Mr. Kennedy, the former chairman of the Municipal Board, as to what function he had, or what function any appointed board had, insofar as being independent or expressing government opinion is concerned. It was my argument over a long period of time—and I hope the Premier listens to this because it's important and I hope he clarifies it in his wisdom and is prepared to bring before this Legislature clarifying legislation—whether or not these administrative boards are really independent or are expressions of government policy, very important.

Mr. Roy: Very important point.

Mr. Singer: Mr. Kennedy felt that there should be no security of tenure for he and his colleagues because they were in fact interpreters of government policy. I look at this statute—the Ontario Highway Transport Board statute. There is no security of tenure here. If you accept Kennedy's argument—and no one ever changed it—the Municipal Board was never given security of tenure, this board is not given security of tenure; then these boards are in fact reflections of government policy.

Mr. Roy: That's right.

Mr. Singer: What other evidence have I about that statement? I have the evidence of this letter the Treasurer wrote to the minister, this minister. And he said: "Tell me, Mr. Snow. The reference to free enterprise has bothered a number of present businessmen and I can appreciate their view. Bus services have always been controlled to maximize the—"

Mr. Deputy Speaker: The hon. member has one minute.

Mr. Singer: — benefit to the public. Then the Treasurer says: "Give me some guidance. What is your policy, Minister of Transportation and Communications?" What we're debating here is not Shoniker, is not the board; it's what the policy of the government is. The Treasurer recognized that, Kennedy recognized that, the people of Ontario recognize that and the government is wrong in the direction it has taken.

Mr. Deputy Speaker: In accordance with standing order No. 30, this debate is concluded.

The House recessed at 6 p.m.

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Legislature of Ontario Debates

No. 134



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OFFICIAL REPORT — DAILY EDITION

Third Session of the 30th Parliament

Thursday, December 9, 1976

Evening Session

Speaker: Honourable Russell Daniel Rowe
Clerk: Roderick Lewis, QC

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LEGISLATURE OF ONTARIO

The House resumed at 8 p.m.

RETAIL SALES TAX AMENDMENT ACT

Hon. Mr. McKeough moved second reading of Bill 170, An Act to amend The Retail Sales Tax Act.

Ms. Bryden: Mr. Speaker, this bill does one thing mainly. It repeals those parts of the amendment to The Retail Sales Tax Act which we passed last spring and which put the sales tax back on to production machinery after the temporary lifting of it during the election campaign.

This was to go back into effect on January 1, 1977. This bill now wipes out that reinstatement of the tax. It also establishes a completely new section regarding the exemption of producers' goods. It re-enacts some previous exemptions that were in the existing Retail Sales Tax Act and it provides a very broad exemption for machinery and equipment, including about eight or nine categories of machinery and equipment and including even parts which are added to machinery and equipment to increase the output or capacity of that equipment. So it is a very broad exemption that is being proposed in this bill, and it is being proposed as an indefinite exemption instead of any sort of temporary exemption.

I would like the minister, when he speaks, to clarify for us to what extent this new exemption for producers' goods adds to the exemptions that were in the Act before the temporary suspension of the tax on machinery and equipment in April of 1975. What are the new categories that are being added? This bill also re-enacts some of the old categories. For example, we have always exempted the materials that went into the production of goods and the consumables such as the fuels that were used in the production of goods. But this exemption adds a good deal more—mainly machinery and equipment in various categories, but also things such as trucks, which are used not on the highway but within the confines of the operation of the plant. So we'd like that clarified.

We'd also like the minister or the provincial Treasurer (Mr. McKeough) to clarify to what extent this goes beyond the exemption which the federal Excise Tax Act provides for producers' goods, so that we can know how much we're parallelling them and whether we are going beyond or whether we are less generous than they are.

There has been a lot of debate about whether producers' goods should be taxed. There is the one extreme of saying there should be no exemptions to a retail sales tax on the grounds that the fewer the exemptions the easier it is to administer, the less likelihood there is for distortion in the allocation of resources, and arguments of that sort.

At the opposite extreme is the argument that all producers' goods should be exempt on the grounds that they all become part of the finished product, and the finished products are finally taxed. But there one runs into problems of defining what goods actually are part of the production process. Is the paper that is used for inter-office memos part of the production process? Are the trucks that deliver the goods to your door part of the production process? And so on. If one went to the extreme of saying that all producers' goods should be exempt and had a very broad definition of that, in effect business would pay no retail sales tax at all because one could argue that everything went into the production.

Between those two extremes, most jurisdictions have chosen to exempt some goods which go into production and to tax all others. For example, most jurisdictions exempt materials, exempt the consumables that are used up in the production process, and exempt the fuels. What we were talking about tonight is the question of whether machinery and equipment should be exempt.

We have conflicting views on that, even within this province. We started out in the initial Sales Tax Act in 1961 by exempting them. Then in 1969 they were brought under the tax. Then in 1975 they were exempt again on a temporary basis, as a so-called incentive to stimulate the economy at a cost

of $410 million. We still have a sluggish economy and we're still waiting to see any proof that that $410 million has created any jobs. Now we are proposing to go to an indefinite exemption for machinery and equipment. So we've had a flip-flop position in this province.

In the other provinces, three provinces now tax machinery and equipment. It's interesting that they represent three different political philosophies, so I don't know whether one can draw any conclusions from that. One is a Conservative province—Nova Scotia; one is an NDP province—Saskatchewan, and one is a Social Credit province—British Columbia. The federal government exempts machinery and equipment. In the United States there is a diversity of practice among the states. More of the industrial states tend to exempt machinery and equipment than tax it, but there is quite a difference in practice across the country.

So we have to decide whether exempting machinery equipment from tax at this time is a desirable policy. We don't have too much to go on as far as the philosophy goes because it seems that different jurisdictions have been able to justify taxing or exempting under various forms of tax philosophy. The justifications which the provincial Treasurer puts forth in his Ontario's Economic Strategy for 1977, in which he announced this change, appear to be four-fold.

He says it will increase investment in the private sector and that means jobs. Secondly, he says it will increase productivity. Thirdly, he says it is necessary because profits are declining; and fourthly, he says it is necessary in order to increase the competitiveness of our manufacturing industry. I want to spend just a little time on each of these justifications.

With regard to investment, when the temporary exemption went into effect in 1975, the investment intentions for machinery and equipment in Ontario had been forecast as $2.3 billion. The final investment for 1975, the first year of the incentive, actually fell $300 million short of that figure. The trend for investment in manufacturing in Ontario in machinery and equipment has been going down steadily since 1974, so that it doesn't seem as though this incentive has really stimulated investment very much.

Jobs: The provincial Treasurer always argues that if you put money in the hands of the private sector, there will be jobs created, but in fact our unemployment rate has been going up steadily. It now stands at 6.2 per cent and there were in November 227,000 people out of work in this province. The 6.2 per cent is the seasonally adjusted rate of unemployment for this province, and that is certainly not a figure to be proud of.

Employment in the manufacturing industry, which is what the incentive was mainly directed towards, actually went down in 1975 over 1974 by 6.5 per cent. Thus it would not appear as though the $410 million, which was given as a temporary incentive, has achieved very much in the way of either increased investment or increased jobs. In fact, the minister, in his economic strategy, looks at the outlook for the coming year and, in spite of his incentive, says: "No improvement is foreseen for unemployment in Canada and business investment is expected to remain sluggish. I anticipate broadly similar trends for the Ontario economy." So, his gloom doesn't seem to reflect very much confidence in the merits of his incentive.

Going to the second justification for the exemptions, the question of productivity, we naturally all agree that productivity in Ontario must be increased. The fact is that there is considerable underutilization of our capacity. It is running in the country as a whole at about 85 per cent. We need measures at the moment which will make that capacity be utilized rather than create new capacity.

[8:15]

However, on the question of productivity, the provincial Treasurer paints a rather gloomy picture stating that we are behind the US—I shouldn't say that he said we are slipping further behind. He recognizes in his statement that the picture he gave in the spring budget of the productivity trends has been invalidated by a revision of the US figures on which it was based.

The C. D. Howe Research Institute has documented this change in the comparison of our productivity with that of the United States. In effect, it shows there has been no deterioration in the relative position of the two countries on productivity but the provincial Treasurer simply says that Canada's relative performance does not look quite so bad.

He doesn't admit there has been no deterioration. He simply fudges it by saying that Canada's relative performance does not look quite so bad. In effect he is using productivity warnings which are not true and our productivity has been maintained.

I think the change in the exchange rate itself would probably change those figures con-

siderably and perhaps show that our productivity, if not keeping pace with the United States, was possibly improving.

Secondly, in his discussion of unit labour cost, he is relying on comparisons of US and Canadian wage rates which are really comparing apples and oranges but he doesn't admit that. The US figures on average wage rates cover all employees in all establishments on a sample basis whereas ours cover only establishments with 20 or more employees. That could make quite a significant difference in the comparison of wage costs.

The two countries also have different treatments dealing with fringe benefits and overtime. The figures which say that US wages are growing faster than Canadian wages are not necessarily true and do give a false picture of where the problem is.

Thirdly, the provincial Treasurer justifies his exemption on the grounds that profits are going down and he selects 30 companies to show us how their profits have dropped by 2.7 per cent in the first nine months of 1976 compared to the first nine months of 1975. As we know, one can prove anything if one carefully chooses the base period and what is put into the statistics—that is, the selection of companies.

In these 30 companies, he has only seven manufacturing companies yet he is trying to justify the exemption of machinery and equipment which is mainly used by manufacturing companies. He has a distillery, a brewery, a publisher, a few other firms and a few banks.

Our research department has tabulated the 30 companies' profits across the board since 1971 and from the nine months has forecast a figure for 1976. They show there has been a 15 per cent increase over that period—an annual increase of 15 per cent for those 30 companies so the fact that they slipped in the last nine months is not really very significant.

They have been doing very well and they have substantially increased their profits since 1971. The fact that they have slipped simply shows they can't go on forever getting percentage increases on percentage increases when their profits are already taking more out of the economy than it can afford and leaving very little purchasing power to buy the products.

If we take the seven manufacturing companies out of the 30 companies and add up their profits, even for the nine-month period the Treasurer took, they actually show a two per cent increase in profit. And they show, over the period from 1971 to 1976, an annual rate of increase of 16.7 per cent. They show that their total profits have more than doubled in that period from $135 million to $314 million estimated for 1976—two and half times or more.

The provincial Treasurer may say that the NDP is against profits, which is not true. We approve of reasonable profits; he approves of unreasonable profits.

Mr. Shore: Depends who gets them.

Mr. Hodgson: How much did the leader of the NDP make on his house? Do you remember?

Mr. Speaker: Order please. The hon. member for Beaches-Woodbine has the floor.

Mr. Peterson: Give us the magic number.

Ms. Bryden: The first justification which the provincial Treasurer has for his exemption is the question of competitiveness—that we must give this concession in order to keep our industries competitive.

He hasn't produced any comparative studies that show how competitive our industries are, except his study of the sales tax burden in other adjacent jurisdictions on our companies. But the whole exercise is really improper and rather typical of the provincial Treasurer's proneness to choose selected statistics.

You can't compare the tax burden on our companies and their competitiveness just by looking at one tax. You have to look at the whole tax burden:

Is their corporation tax higher or lower? The Canadian corporation tax is lower than in the US.

Are the capital cost allowances more generous in Canada than in the United States? I think they are.

Are property taxes higher or lower? Are gasoline taxes higher or lower? You have to look at the whole tax burden before you can say that our companies are less competitive or more competitive because of a certain tax. And, of course, the decline in the value of the dollar again has made a great change, and quite probably a very significant change, in our competitiveness which perhaps wipes out his whole argument that they are suffering from any competitive disadvantage at the moment.

The provincial Treasurer hasn't done any studies on this, as I mentioned, but the federal government did do one study on the tax reduction that it gave to Canadian manufacturers in 1973. It attempted to find out

whether that tax reduction had really affected competitiveness.

Its conclusion was that this tax concession had not improved Canada's competitive position in world trade, because Canada is really at the mercy of her buyers and the world market. The trade deficit continued after the tax. In fact, there was nothing to indicate that the manufacturing sector was doing better than any other sector despite this federal tax concession, which is somewhat equivalent to the sales tax exemption because it puts more money into the profit of the companies.

Those were the four reasons which the provincial Treasurer used to justify his exemption. We feel that he has not in any way justified it. He has not produced a single study or a single shred of evidence that the past exemption has been effective, or that the new one will be effective in any way.

Mr. Speaker, I ask you, does a soundly managed and up-to-date government embark on an expenditure—and it really is an expenditure—of $160 million without studying the effects—without a cost-benefit study, without studying what will be the effect on productivity, on investment, on allocation of resources, on development of Canadian secondary industry, on development of a machinery industry at home, on our balance of payments, and so on? Would any other expenditure of this size be embarked upon without a feasibility study?

Mr. Deans: With this government, yes.

Ms. Bryden: We have decided to oppose this bill. I'm sure this is a surprise to the provincial Treasurer. We're opposing it for a considerable number of reasons, which I'm going to enumerate. There are about seven, and I think my colleagues have some additional ones as well.

We feel there are a lot of theories about the economic effect of an exemption of this sort, but it depends really on one's theories of shifting and on one's assessment of the state of the economy and what is needed at this time. Our first reason for opposing this tax is the one I've just given, that there have been no studies of the economic effects of it. Our second reason is the state of the economy. As for the unused capacity which I mentioned, steps must be taken to put that to work. The serious unemployment, which I've also just mentioned, with 227,000 people out of work, indicates that some very definite action is needed in this field. The government is really copping out from taking action in this field by saying this proposal is the answer.

The economy is facing other serious inflationary increases. Energy prices are just starting to work their way through the economy. Other inflationary factors are still operating. I think the state of the economy makes us consider what is the most appropriate kind of measure to meet that stagnation and the unemployment connected with it. Our third reason for opposing it is not the state of the economy but the state of the provincial finances, that overblown deficit which ran up to almost $2 billion last year and which is estimated at $1.238 billion this year.

The expenditure restraints have reduced services to the sick, the aged, the disadvantaged, to our cultural activities and even to the purchase of park land. This serious financial situation indicates the province can ill afford to pass up $160 million worth of potential revenue from a source of this nature, especially when there doesn't seem to be any evidence that the exemption is going to stimulate the economy.

Our fourth reason is a matter of priorities. If the government has $160 million to play with, what does it do with it? It gives it as a tax concession to the corporations which are already enjoying a great many tax concessions and which are contributing less and less to the provincial revenues. It's gone down from 17 per cent in 1965-66 to 10.4 per cent this year. Does the government use this $160 million to reduce the deficit and avoid the kind of cutbacks I mentioned, or does it use the $160 million to get some more direct job creation programmes going, or a combination of those things? It seems to me those things have higher priority than a concession to the corporations for which there appears to be no evidence it will be effective.

Our fifth reason questions the whole extension of exemption. Most tax experts say there should be as few exemptions as possible from sales tax in order to reduce the administrative problem, the lack of neutrality of the tax and so on, and to reduce the effect it may have on investment decisions. They say a government should use other means if it wishes to offset any undesirable economic or social effect of the tax, as is done with the retail sales tax credit in The Income Tax Act, or as can be done through grants to specific industries where you might wish to promote Canadian development in a particular secondary industry.

[8:30]

I'd like to read one little paragraph of philosophy about exemptions under The Sales

Tax Act. This comes out of Hansard, March 12, 1969, and was spoken by a former provincial Treasurer, John White. I commend it to the present provincial Treasurer. John said:

"Where the purpose of a particular exemption has a special merit, then it is appropriate that the subsidy being provided from public funds be by grant rather than by exemption from tax. Those members who were on the select committee will recognize this very important principle that special benefits be provided regularly, overtly, in full view of public scrutiny, by way of a grant rather than having a tax exemption, whether we talk about property tax exemption or some other tax exemption embedded in a statute or embedded in a practice beyond the view of the citizens and the taxpayers."

We certainly think that all kinds of subsidies should be out in the open, and that they should be considered more as expenditures rather than reductions in revenue. Then we would be able to discuss their merits much more effectively, or their demerits as in this case.

The use of the exemption device has another disadvantage in that jurisdictions start bidding with each other as to whom can give the biggest exemption. That creates a very undesirable situation of competition between jurisdictions. I think the fact that Quebec adopted a temporary exemption for machinery and equipment, which was to expire in March 31, 1977, was an attempt to compete with our exemption. They have since extended and made permanent their exemption. So it looks like we are just trying to compete with them —it becomes a leap-frogging situation. You don't know where it will end. If one exemption is considered desirable for a variety of reasons or for rewarding one's political friends, then another exemption may come to fill the same role.

Mr. Roy: Those are serious allegations.

Ms. Bryden: The sixth reason why we are opposing this Act is that there is a rather sweeping amount of ministerial discretion in the Act. The minister is given power to remove the exemption for any type or class of machinery and equipment or from machinery and equipment used in any process or by any person. It seems to me that this gives the minister power to punish any person or company or activity that he decides he does not like. He can just remove the exemption and say, "Sorry, you pay the tax from now on." It seems to me that this sort of thing should not be permitted. The Legislature should decide who is exempt and who is not exempt.

The minister has also been given power to prescribe the condition for the rebate for parts, which are to be used to increase output and capacity, and for the method of calculating the increase in output or capacity, since you only get the exemption if you increase the output of capacity by 25 per cent. Once again it looks like a sort of half-thought-out idea. They didn't know how to spell it out so they gave the minister the power to write the law in this case. It strikes me that this is a fairly new sort of exemption. I'd be interested to know whether other jurisdictions have it.

The seventh reason for opposing the exemption is that it is not tied to performance. It is not tied to any measure of job creation or increase in investment. It is simply paid for all purchases of machinery and equipment regardless of whether they were planned five years ago or are part of a normal replacement programme.

If we want to have an exemption which will have an incentive effect, it must be much less of a blunt instrument. It must be more finely tuned and possibly tied to investment in Canadian machinery or Canadian companies or the kind of secondary industries we are wishing to develop, such as secondary industry in machinery itself.

Because it's such a blunt instrument it's not very likely to reach its objective. It really simply means a transfer of funds from the public sector to the private sector with the rest of the taxpayers having to pick up the tab through increased taxes or increased borrowing or through a reduction in services. Somebody has to pay that $160 million which would have come in if this exemption was not passed.

At a time when business is doing very well we are really voting to transfer a large sum of money from the public sector to the private profit picture. Eric Kierans in a recent lecture—the Walter L. Gordon lectures—said that business had never had it so good at the moment. He cited profits of $7.7 billion in 1970 and of $17.8 billion in 1975—131 per cent increase. How does it happen that this great increase in profits has not caused a great increase in investment and in new job creations? What's happened to that profit? Probably a great amount of it has gone across the border.

A recent study by Statistics Canada of direct investment abroad by Canadian corporations showed that in 1974 it went up by $1.55 billion, which was a 20 per cent in-

crease over the previous year. Of that outflow, 31 per cent went to mining and petroleum investments which we certainly could have used here. It produced a total of $9.7 billion of direct investment abroad by Canadian companies. This kind of undirected incentive often seems to end up being directed outside the country.

Our eighth reason really is a summary of what I've been saying: The corporations have had too many concessions in the past. It hasn't stimulated the economy and the overburdened individual taxpayer has had very short shrift and no relief; there have been higher municipal taxes and a reimposition of the sales tax for him. The election reduction of two per cent in the sales tax was very quickly put back on for him.

My ninth reason, and this is my final one, for opposing it is that what is needed really is not money for the private sector in the hope it will go out and create jobs, but money in the area which will create demand because no company is going to invest unless it can see a market for its product. The way to create demand is to put the unemployed to work and to use that $160 million for direct job-creating programmes; to put our unused capacity to work and to make sure that both our plants and our human resources are fully utilized. To make a commitment, in other words, to full employment. That is a much better way of using the $160 million.

Some of the areas in which it could be applied by a government committed to full employment would be, first of all, a winter works programme for the immediate situation.

Mr. Peterson: Like the LIP or what?

Ms. Bryden: On the contrary. Instant jobs can be most quickly provided by getting the municipal and provincial governments to take off the shelf the various projects they put there during the restraint programme, and get some of those building, repair and renovation projects going.

One can't put off maintenance and repair forever. This would be the best time to do it when we're facing serious unemployment. Another project that could be embarked on very quickly which would create jobs quickly is a repair and renovation programme for senior citizens, for disabled persons and for low-income families. That would put a lot of people to work this winter.

Then in the long term we must be developing programmes for housing, for recycling, for pollution control and for more insulation and energy conservation measures. The $160 million could be used in some of these programmes to get this kind of activity going. In other words, it could be pinpointed and fine-tuned into the economy instead of being scattered in this way where we have no guarantee what will happen to it or whether it will even stay in the country.

There also is the question of creating job opportunities for the handicapped and the disadvantaged. The provincial Treasurer might look at Manitoba's provincial employment programme for groups which are the first ones to be hit by unemployment, the young, the unskilled, native peoples and women. Work activity projects to get people back to work off the welfare rolls, such as the manpower corps, are some programmes in Manitoba which have been very successful in reducing their unemployment rate.

In conclusion, I would say we feel that the present proposal is really a typical knee-jerk reaction by a very doctrinaire government which feels that the only answer to unemployment and to stimulation of the economy is to pour more money into the private sector. This has been used over and over again and proved ineffective. It shows hardening of the arteries in a government that it is still relying on this outdated programme and using it as an excuse to absolve itself from any real initiative in solving our economic problems.

Mr. Peterson: I rise to speak to this bill and I would like to speak to it in the same way that it was brought into this House. It was brought in in the context of a mini-budget, which is very much a misnomer in the circumstances, with a great deal of pomp, ceremony and publicity, and it really turned out in retrospect to be quite a disappointment to those of us who were looking for something with more creativity and imagination out of the government.

I will deal with some of the problems as I see them in a moment. I think the overwhelming reaction to this mini-budget, as it was so-called, is that after it is all cut apart it is just a compilation of a few odd studies, none of which are particularly relevant at this time. It had no original suggestions except the inflation accounting one which, in my mind, is probably going to be a waste of time and money, given the serious problems that we should be studying at this particular time. As I said, the overwhelming reaction to it was that it was just a resounding tinkle when we have some of these very serious economic problems.

What disturbed me as much as anything was the Treasurer's great optimism surrounding this document. As members will recall, he was so happy and optimistic about how wonderful things were. The member for Beaches-Woodbine pointed out some of the problems. I want to discuss, as I see it and the party sees it, some of the very serious problems facing this province that aren't being addressed and to put them in a context of the mini-budet and this particular piece of legislation.

[8:45]

We were experiencing a growth this year of around five per cent, which is down from the prediction of the budget last year of 5.3 per cent. Even though it's down only 0.3 per cent, it is really very significant in terms of gross dollars in his predictions that traditionally have been off by the Treasurer have put great distortions into the year-end financing and have really thrown out both the revenue and expenditure figures that we have had. Even though he says five per cent growth isn't bad, and historically that has been about our average for the last several years, really it's been pretty dismal in the last three years. Last year there was virtually no growth whatsoever and the year before that had something like 2.8 per cent growth. So we are really not in a healthy time.

It is not as if we are coming out of a buoyant economy, it is not as if we had solved our problems. I think our opinion in this caucus is that the Treasurer really hasn't addressed some of the very serious problems and really has just relied on the old standby of nothing new, just extension of the old exemptions to solve some of these problems.

If I can, I just want to discuss it too in terms of the way the Treasurer brought it in. He is projecting that his expenditures next year will increase some 9.6 per cent. What concerns us a great deal at this time is that he has not been frank with this House or the people of this province in terms of projecting his revenues. He is in just as good a position to project his revenues as he is to project his expenditures. I chide the Treasurer for that. I don't think it's fair to give us half a loaf at this particular time. That, of course, gives the Treasurer a great deal of latitude. If there is an election next spring he'll pull some fancy deal as he did two years ago and give away another $400 million or $500 million.

Mr. Haggerty: Even last year he did it.

Mr. Peterson: I think in fairness to the people of this province he owes it to us to tell us his estimation of revenues and therefore what the deficit will be. My colleagues have talked for years about the very irresponsible financing in this province and we are seeing the figures today. I am going to discuss some of the figures that disturb us, and I am talking not in an absolute sense but in a relative sense—relative to the other provinces, relative to Canada's performance. We are seeing that Ontario, which used to be the privileged province, is increasingly becoming the disadvantaged one. In our opinion that's through, in many respects, fiscal mismanagement. I just want to show the House the deterioration of our position in this province in terms of accumulation of debt and show how our accumulation of debt has far outstripped our growth in gross provincial products.

I would say most people that I know who are responsible in a financial way would say that what the government is doing is spending more than it is producing, and ultimately it will pay a price. There is evidence all around us that we are going to have to pay a price and I am frankly surprised that the Treasurer, who is billing himself as the man of great restraint, hasn't addressed his mind to these problems sooner. All I can say is, it's a good thing he won't be Treasurer in about 1983 because somebody is going to have to deal far more seriously with some of these major problems at that stage.

Mr. Renwick: We will look after it.

Mr. Peterson: Our party will be very happy to deal with that when it comes along.

Mr. Hodgson: You will never have that problem.

Mr. Peterson: But let me just put on the record, Mr. Speaker, that the gross provincial direct and guaranteed debt was $5.19 billion in 1968 and by 1975 the debt was over $13 billion. This represents a compound annual growth rate of 14.5 per cent over that period of some seven years. To us, that is an alarming statistic. In 1968, Ontario had the second lowest provincial per capita debt in Canada—$717. By 1975, Ontario ranked fifth with $1,631. The compound annual growth rate over the period was 12.5 per cent.

But then we come to this accumulating debt that is getting increasingly difficult for governments to deal with. Our gross debt charges as a percentage of gross general revenues are estimated about 7.8 per cent in Ontario for 1976. This compares with a Can-

adian average of 5.5 per cent and is the third highest ratio of any province—the third worst performance is what I am saying. It comes after only Newfoundland and Nova Scotia, and Lord knows in many respects they have more difficult problems than we do.

Again, once the richest province, we are seeing growth and activity in a lot of the other provinces at a rate quite different from the rate of growth in our particular province. Being as we are the heartland of the manufacturing sector, we probably have more to lose than any other province in the way the current economy is being run.

I would like to just discuss for a moment, if I may, some alarming figures and put them on the record in terms of unemployment in this province at this particular time. As I'm sure you are aware, Mr. Speaker, the figures for unemployment in November were released yesterday. There is an increase in gross numbers of some 4,000 people. Our total unemployed in this province at this particular time is 227,000.

What's disturbing is that the Conference Board is forecasting for 1977 a growth in the labour force of 2.7 per cent in Ontario and nationally 2.6 per cent. But they are forecasting a growth in employment of 2.1 per cent in Ontario and 2.3 per cent in Canada. What does that tell us? It tells us again, if the Conference Board predictions are correct—and on balance they've been far more correct over the years than the Treasurer's predictions—that we are going to face a serious year in 1977 in terms of unemployment. That, to us, is very disturbing.

At this time our unemployment is running at 6.3 per cent, compared with 5.8 per cent a year ago. It is particularly alarming to see the growth of unemployment in the manufacturing sector; to give a little historical background on this, it was 3.6 per cent in 1972, 3.2 per cent in 1973, 3.6 per cent in 1974, 5.3 per cent in 1975, and six per cent in 1976. An alarming growth in unemployment in the manufacturing sector.

At the beginning of the year, the Treasurer promised 116,000 new jobs. He revised that just a couple of weeks ago to 100,000 new jobs. Again according to the Conference Board, the majority of those jobs were produced in the latter half of 1975; of course, he picked that date in mid-1975 when we were in the middle of a very bad slump. What these figures are saying is there are depressingly few jobs being created in the year 1976.

If I may, I would like to discuss the picture with respect to housing and how we see it, as well as some of the very alarming statistics as we see them. Again, if we compare Ontario's performance to the performance of the rest of this country, we see that we're not in good shape.

The Treasurer will argue it doesn't matter, because we have 30,000 homes for sale on the market in Toronto and we've got lots of vacancies. But that, in our opinion, is not the real problem. What we have talked about, and will talk about more, is affordable housing that's obtainable, and particularly when the government of this province let down the voting public so badly after reneging on several of their campaign promises in respect to subsidizing the mortgage interest rate. It would be interesting to find out from the Treasurer why they reneged on that promise, why they didn't choose that particular method of stimulation and what his plans are for that in that area in the future. As my friend from Beaches-Woodbine has pointed out, it's a very important area that the government can look at to stimulate the economy and to solve some of the unemployment, particularly in the construction sector, which is one of the most serious areas of unemployment in this province today.

Urban housing starts in Ontario were down three per cent in September, compared with September 1975. In the rest of Canada they were up five per cent. Another case where we are falling behind the national average. Our overall seasonally adjusted annual rate of housing starts in Ontario is—

Mr. Deputy Speaker: With all due respect to the member, the principle of this bill deals with The Retail Sales Tax Act.

Mr. Peterson: Mr. Speaker, it is the only time in my life that I wish the real Speaker was in the chair, rather than you.

Some hon. members: Oh, oh.

Mr. Peterson: I think these things are very important when we're discussing the problems in the economy and the ways that one should attack some of those problems, and particularly when the Treasurer has chosen one way. Mr. Speaker, with respect, if you had listened to the member for Beaches-Woodbine discuss some of these things, I think you would have taken a very different—

Mr. Deputy Speaker: I was not in the chair at that time.

Mr. Peterson: That is the problem, Mr. Speaker. Why should I be saddled with your harshness at this time?

Mr. Shore: Cheap shot.

An hon. member: Good point.

Mr. Deans: Are you challenging the Speaker?

Mr. Peterson: No, I wouldn't—

Mr. Kerrio: They went to the same school.

Mr. Peterson: I just want to give some of these statistics briefly, if I may, Mr. Speaker. Overall housing starts in Canada have gone up 20 per cent, but in Ontario they have gone up only eight per cent. And in building permits we're running dismally behind, particularly in Metro Toronto. All of these figures are alarms saying we're running behind.

Let me talk about capital investment for a moment because this is very germane. The capital expenditure intentions for this year, nationally are 12.1 per cent; Ontario's is 7.6 per cent. Let me put that in perspective with the rest of the provinces because this is what the Treasurer is talking about in this bill. Alberta's expectations are 27.6 per cent; Saskatchewan, 20.8 per cent; Yukon and Northwest Territories, 19.9 per cent; Nova Scotia, 18.9 per cent; Manitoba, 11.2 per cent; Quebec, 10.7 per cent; and BC, 10.2 per cent.

The point is there are only three provinces running behind us: Newfoundland, New Brunswick and Prince Edward Island. This was not the case in this province five years ago for anything I'm talking about today. We were running first or second or close to the top. We didn't have this kind of miserable record in most of these areas, in most of these important economic indicators.

Retail sales—again, we're running behind in national average. In Ontario, we're up 10.1 per cent; nationally, we're up 11.8 per cent.

It brings me to one of the things which worries me most about where we are going as a jurisdiction and it relates to the bill before us tonight. It is the accumulation of capital in this province and in this country. In fairness to the Treasurer and to the government, some of the problems we are talking about tonight are not restricted to this particular jurisdiction. There's no question it's going to take co-operation on a broad scale to solve some of these problems.

It is estimated that, in terms of capital expenditures in this country between now and 1985, we are going to need some $500 billion. In current dollars that's close to $900 billion. The figures are absolutely staggering. In those figures I'm using a GNP deflater of six per cent over the next five years and five per cent over the following five years.

That means, in effect, that our capital accumulation in this province is going to have to increase from 22 to 26 per cent of the gross national product, an enormous share. We're going to have to change everyone's habits. I frankly don't expect the NDP will understand it. Certainly the member for Beaches-Woodbine was a little more moderate tonight and she admitted there is some room for profit, for reasonable profit. I have yet to find the wizard who can tell me what reasonable profit is or is prepared to put a figure on that.

Mr. Deans: We can tell what is unreasonable.

Mr. Peterson: Usually they talk about profit in the same way as they talk about carcinoma of the liver or halitosis.

Mr. Deans: That is probably familiar to you.

Mr. Warner: That's why you're down there and we're over here.

Mr. Samis: No wonder the Speaker called you to order.

Mr. Peterson: We can let the back-bench make a few noises; then we'll carry on.

Mr. Samis: He called you to order for a good reason.

Mr. Peterson: Finished?

Mr. Samis: Maybe not.

Mr. Peterson: These are the very serious problems people are worried about. How are we going to accumulate this capital? There are very many reasons for Canada uniquely and particularly having these very serious problems. We've had tremendous underinvestment over the last few years.

I want to read into the record some figures from a major economic study done on capital investment in this country between 1967 and 1973. It's estimated that the capital investment shortfall was some $6.9 billion and the conclusions were that had this shortfall not occurred the stock of business fixed capital would have been up 3.3 per cent; real output in 1973 at the end of the study period would have been four per cent higher; unemployment would have been at 4.5 per

cent instead of 6.5 per cent; and productivity would have been higher.

There's no question that I am sympathetic with the Treasurer's view on developing productivity in this province. I don't think he's doing it the right way and frankly I don't think he understands all of the ramifications. He's admitted that in the House and I will get to that later. There's no question that we have a very major challenge ahead of us to increase our productivity and increase our capital investment in this province particularly.

Our performance really has not improved since that study was filed or was tabled. Canada and Ontario happen to be among the most capital intensive jurisdictions in the entire world. Today it takes some $130,000 to create a job in large business. In small business, it's more like $30,000 or $40,000. I think the Treasurer and the government are deficient in not having a small business strategy by which they would be developing and creating more jobs.

On the other hand, it's not the small businesses which are going to compete for us internationally and earn the export dollars which are going to build the wealth which we can share fairly and redistribute on a fair basis in this province. I think we need more imagination than I have seen from my friends to the right for the creation of wealth.

Mr. Warner: You wouldn't understand.

Mr. Peterson: The other problem, of course, is that we live in an internationally competitive world so the economic model which the member for Beaches-Woodbine was talking about would be wonderful if we didn't trade or if we weren't in competition with any other jurisdiction. That isn't the case today.

[9:00]

We are a necessary integral part of a much larger unit and it doesn't matter whether we like it or we don't like it, we have to live with it. We have to adapt and we have to compete with it. We haven't been good enough at it right now and we are seeing all the indications of that inability to compete—the flight of capital; the flight of jobs, the flight of companies from this jurisdiction. They don't have confidence in the government because they see government consuming capital at an unfair rate. They see government in competition for that capital and I want to talk about that government competition for capital, and for private capital.

The total capital available in this country last year was some $19 billion-odd and we saw that governments consumed some $13 billion. How can it be said that private enterprise is completely responsible for this lack of capitalization when governments, really, are the chief offenders by being competitive in the capital market, by competing for that capital which is highly inflationary? It's one of the results of the excesses of all levels of government which we have seen over a goodly number of years.

What is left is some $400 million only, a mere pittance, in the equity market to build new companies, to build productivity. We are in very sad shape and unless we do something, unless we have an investment strategy to encourage savings, to encourage investment and to get everyone participating in the creation of wealth, I can tell members that we will find there is no money available.

We will find there's no equity and that the only people who will do it will have foreign money. We will be selling out to other people and we will be selling what little we have because it will be on a declining basis.

I think the real story is a sad story and I think the Treasurer was wrong when he came in here all optimistic—or at least feigning optimism—trying to tell the story. I would have had much more confidence in him, as a taxpayer, had he come in and said, "We have problems and here's what we are planning to do about them."

We think there are a lot of areas to which he could address his mind and address the government policy to solve some of these problems. The only cause for optimism—of course, he made a headline on this—in his strategy statement was in terms of industrial production where we are running ahead of the national average, but in terms of real growth, we are running behind the national average.

I am really very pessimistic. We are going to support this bill but we are not happy about some aspects of it. Let me be frank with the members. We went to the legislative counsel because we wanted to propose an amendment to this bill. We wanted to say we want this bill for one year only. We wanted to extend it for one more year and we wanted a complete definitive study by the government on the effects of this bill on jobs creation, on the creation of investment and all the other factors, how big an effect it had on the economy and it really did do.

The legislative counsel advised us that we couldn't move that amendment to have it for only one year and I am sorry about that. The reason we feel so strongly about this is

that the Treasurer was asked in the House last week what his plans were for productivity goals and to encourage investment and jobs and to stimulate the economy.

He said this about the productivity question, "Without being specific this afternoon, I can only tell the member that the Premier, the Minister of Labour, the Minister of Industry and Tourism and the provincial secretaries and others have been giving this whole matter a great deal of thought. We have nothing definite to put in front of the House at this moment." I think he should have something definite to put before this House at this moment and frankly I think he's missing the issue when he appoints a commission on inflation accounting which is more of a detail.

He should be appointing a commission on productivity in this province and ways to encourage jobs. He should have a commission to encourage jobs and investment and the creation of wealth. That's what he should have because, by his own admission, they don't know the answers.

If they don't know the answers, they should surely look outside this government and get some help with it. It's a big issue. We are all involved in it, regardless of our political persuasion, but I wish the government would apply its mind to the real problems and not to the superficial problems. Even if he can solve his problems with respect to inflation accounting, it really doesn't matter a tinker's damn because most of these companies function in broader jurisdictions, in national jurisdictions. It is going to be pretty tough to have one set of bookkeeping in Ontario and another set in Manitoba. Probably the net result of that, like so many other commissions, will be zilch.

It will be filed, and he will stand up and say, "I have forced the federal government—I am leading in this particular new view." I am familiar with the arguments in favour of inflation accounting, I really am. But I will tell you he is wasting his time—he is spinning his wheels when he should be addressing his mind to the very real problems of productivity.

We will be supporting this bill because we are afraid not to. We are afraid that there may be a further flight of capital from this province if we don't support the bill at this time. But I will be moving an amendment in committee which will be asking for a complete study of the effects of this bill over the next calendar year on job creation, unemployment, investment and growth in the productive sector. That is the kind of definitive answer that the government should have before they come back to this House with this kind of a bill. They should have known. I am sorry they don't know. We are going to move this amendment and we would ask for your support.

Mr. Reed: You missed a good speech, Bill.

Mr. Angus: That is okay. Odoardo is here.

Hon. Mr. Davis: I heard it.

Mr. Cunningham: Did you understand it?

Mr. di Santo: For the benefit of the House and the Premier who has just come in, I rise in opposition to this bill. Not only for the reasons expressed by my colleague the member for Beaches-Woodbine, but also because I think that this bill is unnecessary at this time. I think that the Treasurer of the province is consistent with his principles. When he announced this mini-budget or micro-budget—what ever it is called—

Mr. Angus: Mishmash.

Mr. di Santo: —he maintained a position that this government took last year immediately after the election. This is a position of imposing restraints on Ontario, no matter whether we are dealing with social services or with the economy of the province. While we see other parts of the world attempting to solve the problems of the economy, trying to put the economy in an expansionary position in order to create jobs and create new wealth, the Treasurer of Ontario insists on a position that will definitely keep our economy in a stagnant position for a while. In fact, it isn't a surprise that the only bill that he introduced is this gift to the corporations—$160 million.

We all know that in the United States the new president, immediately after being elected and in the last week, said quite clearly that there is a serious problem in getting that economy moving. One of the measures he will likely be taking will be to reduce income tax so that the economy will have more money available. Then there will be more demand and the economy will keep moving again.

In Ontario the Treasurer has taken the opposite position. The only decision made in his mini-budget is that he wants to keep our economy the way it is now. He wants to ensure that the corporations of this province will be able to save more money in terms of profit and in terms of tax exemptions indefinitely. I think his assumption is that the American economy will recover and then our economy will recover as a result of our having access to a revised American market.

Hon. Mr. Davis: What has happened to your economic nationalism?

Mr. Samis: Realism, realism.

Mr. di Santo: That is what I am saying. That is what the Treasurer said last week to the House. He thinks the American economy will recover and will be put in a position of growth. But if that doesn't happen what will happen to Ontario? We have 262,000 unemployed people now and unless we put our economy in a position to create new jobs, next year we will be in a worse position and this government is not doing anything.

I think that by giving $160 million to the corporations we don't solve any problems. All our problems stem from the fact that you are following the old strategy of selling raw materials, and that strategy doesn't work anymore. It was proven three years ago by a person who is not a socialist—he is a Liberal by the way—Pierre Bourgault, in his book Innovation and the Structure of Canadian Industry—

Hon. Mr. Davis: I am glad to hear there is a distinction.

Mr. di Santo: —published by the Science Council of Canada.

Mr. Roy: Leave the minorities alone.

Mr. Breithaupt: Don't be too hard on this guy.

Mr. di Santo: He said quite clearly that tax incentives won't work in an economy like ours.

We know that our economy is dominated by multinational corporations. In a semi-clandestine publication which came to our attention—but I think not to the attention of all the members—called Foreign Control of Ontario Industry, October, 1976 the Treasury quite explicitly says that in comparison with other provinces foreign-controlled corporations are over-represented in Ontario. In Ontario it's quite a unique situation—more than 50 per cent of the machinery industry is controlled by foreign corporations and 50 per cent is imported from the States.

If we follow what the Treasurer said in his speech, that we ought to encourage job creation and productivity, we know that it won't work because the manufacturing industries we have in Ontario are foreign-owned. We know that the knowhow, the research, is done abroad, mainly in the States. In Ontario, we have assembly parts manufacturing industries, like in the automobile industry, or industries which are manufacturing on the basis of a licence from foreign-controlled industries. That means that most of the Canadian companies which are foreign-owned don't even need investment at this point, because most of the American companies are trading between the head office and the branch plants.

This type of structure of our industry was based on two premises: The expansion of the American market and the availability of infinite resources. We know now that both these premises are untrue, because the American market is in trouble and we are running out of resources.

Since we have a branch economy, I think we should try to devise a different way of restructuring our industry. The Treasurer made a serious effort last spring when presenting the budget, in reviewing the auto pact. We all know that in Ontario, where 90 per cent of the auto industry is based, we are in a chronic crisis in that industry. It employs directly 100,000 workers and indirectly 600,000, because there are six jobs attached to each job in the auto industry. I think the Treasurer is basing this bill on the false premise that we can still count on an expanding American market for resources that are running out and which we won't have in a short term. Unless we reorient our industrial structure we will be in serious trouble in a short number of years.

[9:15]

Mr. Conway: Give it to them, Odoardo.

Mr. di Santo: I also should point out, Mr. Speaker, that in this mini-budget the Treasurer spoke, quite at length, about productivity, and of course one of the points he made was that we have at this time higher wages than our neighbouring market, the American market. I do not think that's the reason we are in trouble, and that is why I think this bill won't work; because even if it is true that we have higher wages, it isn't because of that that our productivity is low. Our productivity is low because, as I said before, we have a branch-plant economy and there is no interest on the part of the head offices of our companies, the multinational parent companies, to invest money in Canada unless the returns are very high.

Apart from that, I think it has to be considered that that is one of the rationales for the imposition of wage controls. We are in a situation where when Canadian workers become more confident and start buying durable goods, what happens is we have to increase our imports, and for that reason our trades deficit is now $5 billion.

What we are doing now is servicing our investments with our foreign investment, and I think that's quite clear. We are in a circle where we borrow money from New York, and as we know the interest is very high, so that then the Canadian companies cannot invest and as a result the productivity is very low.

We have to reorient, we have to change the structure of our industry, otherwise we will be continually going in a circle and in the long run we will be in serious trouble.

The Treasurer's forecasts are pretty optimistic, and in the short term his forecasts could very well be justified, because if the American economy recovers we can be fooled by the performance of the American economy; but in the long range we will be in trouble because we will end up with a resource-based country without resources, and without independent secondary manufacturing industries.

For these reasons I think this bill is superfluous. It won't help to solve the economic problems of our province. It will only give a gift to the corporations; and I think that's something the people of Ontario, at this point, don't need.

I think the Treasurer is consistent to his principles, and the Liberals are consistent in their inconsistence in supporting this bill—

Mr. Conway: Now, now.

Mr. Samis: Right on.

Mr. di Santo: It isn't an accident that the only commission the Treasurer set up is a commission to study the effects of inflation on corporate profits. He didn't set up a commission to study the effects of inflation on people on fixed income, on pensioners and on tenants. I think that is part of the philosophy of this government, but it's a philosophy that we reject because we understand the reality of the industry in Ontario in 1976 and we know that we need a new strategy.

Mr. Conway: Do you think the member for Lake Nipigon agrees with you?

Mr. di Santo: Of course. We all know that he agrees.

We think this is only a small bandage that won't do any good for the economy of Ontario.

Mr. Deputy Speaker: The hon. member for Perth.

[Applause.]

Mr. Edighoffer: Mr. Speaker—

Mr. Samis: You've now got John Lane applauding you.

Mr. Edighoffer: Really? Oh. Mr. Speaker, I'd like to—

Hon. Mr. Davis: Say, Hughie, this is the first time in a while.

Mr. Peterson: What are you doing here tonight, Bill?

Mr. Edighoffer: I find it pays not to say too much; that's the way you get all the votes.

Mr. Speaker, I'd like to make a few comments on this bill—

Mr. Deputy Speaker: And I'd like to hear them too, if people would keep their voices down.

Mr. Edighoffer: I'd just like to make a few comments in regard to this Act amending The Retail Sales Tax Act. I've been sitting here listening carefully, particularly while the New Democratic members were speaking. I find it most interesting how they are trying to justify voting against this bill or, I suppose, voting in favour of a tax increase.

Mr. Laughren: That's pretty convoluted.

Mr. Edighoffer: It is. I want to be brief, but I have two concerns regarding this legislation.

I looked back to the budget in 1975, when this particular sales tax exemption was taken off production machinery, and the Treasurer said then he would take selective action that would stimulate the economy immediately. Included in those stimulants was the elimination of this sales tax on production machinery; that is, where the value of machinery exceeded $15,000. At that time this party agreed, because the Treasurer believed that the economy needed only a temporary stimulation and hoped that it would recover to a higher level. I thought we might have had more figures placed before us by the Treasurer to show that it had worked, but to date we certainly haven't seen those.

Many of the previous speakers have stated unemployment figures; I don't wish to repeat those, but we know they're not good, and particularly when in the mini-budget, which the Treasurer read on November 23, he said: "No improvement is foreseen for unemployment in Canada and business investment is expected to remain sluggish." In this particularly pollution-conscious age, I think the section which adds to the definition encompassing pollution control equipment and

equipment used to remove waste in noxious forms, is excellent.

Mr. Conway: Not including the NDP.

Mr. Samis: And the member for Renfrew North.

Mr. Edighoffer: I can't argue against this, as I feel the Minister of the Environment (Mr. Kerr) has not been active enough and I hope that business takes up the tax exemption in this regard.

I believe one of the previous speakers just touched upon one of the areas in this legislation which bothered me to some extent, but I'd just like to put on the record the last part of section 3(1), which reads:

"But the exemption conferred by this paragraph does not apply to any type or class of machinery or equipment prescribed by the minister to be excluded from this paragraph, or to any machinery or equipment used in any manner, process, industry, enterprise or by any person prescribed by the minister as not entitled to the exemption conferred by this paragraph."

When I went back to the mini-budget statement I noticed that he stated very clearly that "this will exempt from tax all production machinery"—and I underline all—"all production machinery and equipment used by the private sector in the production of tangible personal property." I would like to have a good, clear explanation by the minister of what will be exempt by this section.

The other concern which I have, and which the member for London Centre touched on, is the fact that I've dealt with human beings for some length of time—

Mr. Conway: Not including the NDP.

Mr. Edighoffer: Oh yes, quite a few; and in the great riding of Perth too.

Hon. Mr. Taylor: Some over there, Hughie.

Hon. Mr. Davis: Some of your own members.

Mr. Laughren: Don't talk to us about humanity, you didn't even give Marvin Shore a going-away party.

Mr. Edighoffer: He didn't let us know.

Mr. Ruston: He just flew the coop.

Hon. Mr. Davis: There are a couple of others we'd welcome.

Mr. Roy: You are really hard up for members, aren't you, Bill?

Mr. Edighoffer: I have to say, Mr. Speaker, that incentives are a great thing and hopefully this legislation will help. As the Treasurer says, it has to in some way help to promote the economy.

I agree with the comments made by the member for London Centre that this legislation should have an amendment which would make the Treasurer present information to this House within one year, that would be by the end of 1977, so that this programme could be reviewed to see just what it is doing for the economy.

I hope that this will go to the committee of the whole House, where I will certainly support, not only the legislation but the amendment.

Mr. Swart: I want to be one of the several from our caucus speaking on this bill, because I suggest it is a very fundamental issue. As has been said before, it is the centre-piece of the government's proposed economic strategy for 1977—in fact it's really their only piece of strategy—and that strategy as stated is to sustain economic recovery without rekindling inflation.

This further $160 million gift to the corporations—plus perhaps another $80 million, depending on what arrangement they can make with the federal government—and cutbacks in social services and education, local government projects, that's the total answer of the Treasurer to the economic problems facing the province.

I want to say immediately that it is immoral; it puts the burden on those least able to bear the load; and it won't work. I think my colleague the member for Beaches-Woodbine has already documented that.

This government lays the blame for inflation—and largely for the problems with our economy—just on two things: One is escalating wages and the other is excessive government spending. I suggest to the Treasurer that he neglects the most important cause of all and that is unemployment, the massive underutilization of the talents and the skills and the labour of our people.

It's really a major twofold cost to our society. One part of that is income maintenance; and in this nation at the present time for this year there will be something like $3.5 billion spent on unemployment insurance, paid out in unemployment insurance paid out to people who would like to be working. The other income maintenance programmes will bring that up to $5 billion that is going to be paid to people who would

like to be working but are unable to find jobs—and of course one third of that total is in this province.

[9:30]

The second cost of this unemployment is running at undercapacity. Statistics show we're running at only about 85 per cent of capacity in this nation. If that is the case, we are los ng something like $15 billion in production annually, of which a third would apply to this industrial province—perhaps more than that because we are the major industrial province. There is something like $5 billion to $7 billion which has to come out of the economy from somewhere and be added to the price of the products we buy.

I say that in itself is the greatest cost of inflation in our society. If unemployment is the major cause of price escalation, the government restraint measures which put people out of work without a plan for alternative employment are meaningless in combating inflation and are counterproductive, even in the field of inflation.

In times of inflation, in times of economic problems, the need for full employment assumes a greater significance than it does at other times. Thus an economic plan for full employment must have the highest priority but it has very little presence at all in the plans of the government of this province.

For economic reasons and for human reasons, unemployment and social priorities cannot be subordinated to so-called fiscal restraint. Really, in a rational society the degree of government services should be determined only on their needs compared to the needs of private services, and be cut back only when there is a shortage of manpower for the private services; and I say if that is the goal in fighting our economic problems there are measures available to accomplish it.

There have been figures thrown around here this evening about the various levels of unemployment in the provinces throughout the nation. I say that it is no accident Saskatchewan has the lowest unemployment rate in Canada. Its unemployment rate as a percentage of the work force is the lowest of any province in Canada; the actual is 3.2 per cent and the seasonally adjusted is 3.4 per cent. Manitoba, with the other NDP government, hasn't had it quite as long yet and hasn't been able to implement quite as many employment measures. It has the third lowest unemployment rate in this nation of 4.6 per cent, seasonally adjusted, compared to Ontario's 6.2 per cent.

They are building houses in Saskatchewan. The member for London Centre, I think, mentioned house building and the increase this year of an average of five per cent. It's up to a 10 per cent increase there this year—

Mr. Conway: The Greyhound express to Regina is just leaving.

Mr. Swart: —largely because they have a high degree of public land development. The speculators haven't been permitted to drive the price of houses out of the reach of so many people.

Mr. Speaker: Order, please. We are supposed to be discussing An Act to amend The Retail Sales Tax Act and not straying into general economic philosophies.

Mr. Peterson: That's good—I agree.

Mr. Swart: May I say respectfully to the Speaker that The Retail Sales Tax Act we have before us is a matter to stimulate the economy. I want to point out that the way to stimulate the economy is to have full employment. There are other alternatives and I will get into the details of them.

Mr. Speaker: Order, please. I must point out that this bill has to do with amending The Retail Sales Tax Act and a general discussion of the economy is not part of the debate this evening. Some other time, yes, but not tonight.

Mr. Eakins: It was last week's debate.

Mr. Ruston: Turn the page and use the other speech.

Mr. Swart: I'll try to restrict my remarks to the bill, but I would point out that the debate has ranged rather wide on the economy to this point.

I would point out that the Saskatchewan Bureau of Statistics said: "A combination of international grain market strength and rapid expansion in both private and public investment allowed the province to insulate its economic position from the unfavourable events effecting the national economy."

Mr. Speaker: Really, I must respectfully point out again that has nothing to do with this particular bill. If the hon. member would stick to the philosophy of this bill we would be in order and would much more expeditiously complete our work here.

Mr. Conway: You are being told you are irrelevant.

Mr. Swart: May I just say then, Mr. Speaker, that the alternative to the $160 million giveaway to the corporations is a programme to provide employment in which the government takes responsibility to provide direct employment for the unemployed; that will do more to stimulate the economy than giving away the $160 million.

Does anyone really believe that when we're running at 85 per cent of capacity in the province the corporations are going to invest in a lot of new machinery because the government has given them $160 million? They had that concession in 1975, and as the member for Beaches-Woodbine pointed out employment in industry at that time fell by 6.5 per cent. It's the wrong approach. It just simply won't work.

If it's profits and financial concessions alone that provide economic bouyancy and minimize inflation, then Canada should be in a period of unprecedented prosperity instead of experiencing serious unemployment and economic recession. In 1972 net profits went up to 18.7 per cent after they paid taxes. I'm sure these figures are familiar to the Treasurer although of course he gives different ones in the statement because these wouldn't prove his point. In 1973 profits went up by 43.2 per cent; 1974 by 24.1 per cent; last year by 5.2 per cent—for a compound increase of approximately 135 per cent in net profits over those years.

Wages during that same period of time showed a compound increase of something like 65 per cent. May I suggest that perhaps it's this imbalance that is causing our serious unemployment problems today rather than the shortage of money to buy new machinery? If there was more purchasing power in the hands of the people of this province so they could buy more of our goods, there would be more people put to work; and instead of running at 85 per cent of capacity we'd be running at 95 per cent.

Mr. Conway: You tell him, Mel.

Mr. Ruston: They're going to save $300 million.

Mr. Swart: I suggest, Mr. Speaker, that all the evidence indicates it's the wrong method, being used at the wrong time. It's the same tactic used in the depression of 40 years ago —use restraints, reject planning, rely solely on the private enterprise system.

Mr. Peterson: Were you there, Mel?

Mr. Conway: I remember.

Mr. Swart: It didn't work then and it's not going to work now. We need conscious job creation and more purchasing power. It's a fact that this is the only alleged job stimulation programme, there is no package whatsoever being presented to this House.

Mr. Kerrio: Put them all on the payroll.

Mr. Conway: Social Credit, Darcy.

Mr. Swart: I say that this bill, rather than being a method that will solve economic problems, is simply another step in the so-called privatization of the economy, without any concern for the effect on the economy or the injustice created, or without being any help in solving unemployment.

The views expressed in the special programme review which was brought down a year ago, and I could quote them, are repeated almost word for word in Ontario Economic Strategy in 1977. That document proposed reprivatization; cutting down on the amount of money spent in the public sector and providing more assistance to the private sector. This bill is simply part of that.

It's part of the same proposal to transfer some of the Gray Coach Lines to Greyhound Lines; reprivatization. It's part of the same plan of turning over the operation of the campsites in the provincial parks to private operators; and it's part of the same plan of cutting back in assistance to local governments. They cut the public services and they up the taxes.

Mr. Maeck: What has this got to do with the bill?

Mr. Swart: It's all contained in this document; that's the primary purpose of the bill we have before us.

Mr. Peterson: You can always put up your pup tent at Queen's Park.

Mr. Conway: Like a Gatling gun now.

Mr. Swart: In addition—

Mr. Bounsall: You can't find $8 million for campsites.

Mr. Swart: In addition to the items that I have mentioned—

Interjection.

Mr. Swart: —I would say the bias against the public sector is shown in this bill by the fact that the tax exemption is not being given to local governments. Even if they have to buy the same equipment as an industry, they are going to have to pay the sales tax on it. The Treasurer of this province and the Minister of Revenue (Mr. Meen) have stated on

many occasions that under the proposed tax reform they want to tax public buildings so that it is visible and there's equality between the public and private sectors. I suggest that equality should be extended in this field as well.

Hon. Mr. McKeough: What tangible personal property is produced by the municipality?

Mr. Swart: The hydro commissions can be buying transformers. There's all kinds of equipment they'll be buying.

Hon. Mr. McKeough: No.

Mr. Swart: This bill is the result of some sort of a private enterprise obsession by the Treasurer to whom the panacea for all our economic ills lies in the profit system, and the more profit the better the system.

I suggest that the basic thrust of the SPR is wrong and this bill is wrong. The net result of this bill will be to give another $160 million out of the public purse to the corporations, with no improvement in the economy or in employment.

If my remarks perhaps don't convince the Treasurer, as they surely won't and neither will those of our party, I would like to quote from his own god and his own bible. In the Globe and Mail of Noember 29, I believe, the following comment was made by Mr. Dennis, the president-elect of the Canadian Chamber of Commerce, when he spoke about these proposals. He said—and I quote him as he was quoted in the Globe and Mail—"They do not represent a major step. I wouldn't think it will stir it (the economy) up."

Mr. Conway: Tomorrow starts today.

Mr. Swart: Finally, I would like to quote from the document prepared for the special programme review—if I can find it—which is the one I really want to refer to, in which Mr. Henderson states: "It is recognized that this strategy will no longer be appropriate if the economy weakens and the anti-recessionary measures have to be introduced." I suggest we are at the time now where we have to look at some other proposals.

Hon. Mr. McKeough: We are not in a recession. Nonsense.

Mr. Shore: Give him a big hand.

Mr. Speaker: Does any other hon. member wish to speak to this bill? The hon. member for Ottawa East.

An hon. member: Sit down, Bill. Don't go now. You're going to hear the best—

Hon. Mr. Davis: I am coming back. I am coming back.

Mr. Roy: Mr. Speaker, I do enjoy that.

Hon. Mr. Davis: I just want to get this on my card.

Mr. Roy: I hope it is only a matter of coincidence.

An hon. member: Don't go away, Bill.

Hon. Mr. Davis: I'm coming right back.

Mr. Roy: I appreciate, I say to the Premier, that it's difficult to take the truth right between the eyes.

Hon. Mr. Davis: Mr. Speaker, on a point of order. At least there's something between the eyes to take the truth, which the member for Ottawa East doesn't understand. I'll be back.

Mr. Cunningham: Is that an election promise?

Mr. Roy: Keep losing your money on the Toronto Argonauts.

Hon. Mr. Davis: You lost on Saskatchewan, in fact.

Mr. Speaker: How about Bill 170 now?

Mr. Roy: Mr. Speaker, I must say with all candour that I feel compelled to rise and participate in the debate on this bill. What I have to say is spontaneous; it's not prepared, it's just something that springs to mind from the failures of this particular legislation.

Mr. Speaker, my colleague the member for London Centre keeps pulling my jacket, saying that we're supporting this legislation.

Interjections.

[9:45]

Mr. Roy: I keep telling him not to fear, that I'll support it in my comments. Really, we are supporting the legislation because, as you know Mr. Speaker, we as a party, as much as we would like to present legislation which makes more economic sense than this legislation, are prohibited under the rules from doing so. Our options are somewhat limited and hopefully the amendment proposed by my colleague will be accepted.

It seems to me, looking at the economic future of this province that the predictions are not all that enlightening; they are not all that favourable. I am concerned, basically, that among the people in charge of the economy of this province the Treasurer, and

even at the federal level, there seems to be a lack of imagination in looking at the economic future.

It seems we go back to the same old policies all the time. The only way we seem to generate economic activity is through some form of tax concession which we promulgate from year to year.

An hon. member: No imagination.

Mr. Roy: Yes. It seems to us that the Treasurer and all the experts he has around him—and having spent three or four days in Ottawa with all the experts there—could have come up with something with more imagination.

It seems to us, looking at the problems in this province—we know we have unemployment problems; we know there are problems in the investment community; we know we must ensure that the manufacturing community is competitive—when we look at all these factors and look at the deficiencies—for instance, in the area of housing—surely there's something which could have been done in this area to increase economic activity and at the same time create jobs? It seems to us that the mini-budget, so called, presented by the Treasurer two weeks ago, lacked that type of imagination.

Politicians in this government—I suppose it's normal for a government which has been around so long—seem to lack this type of imagination. It seems to us that, considering they had apparently learned their lesson in 1975 to look at some new economic approaches, there could have been something with a bit more imagination than this legislation.

That's what concerns us about this type of legislation. For instance, when we consider the lack of housing accommodation in this province, especially the lack of rental accommodation, what is wrong with somehow stimulating that area of the economy?

The Treasurer's colleague, the Minister of Consumer and Commercial Relations (Mr. Handleman), keeps talking about removing rent controls and says he is not going to stick around if rent controls are carried on for a period of time after the law expires. He knows full well and the Treasurer knows full well that with the pressure of the lack of rental accommodation in this province it would be disastrous to do this.

Instead of looking at the same old type of approach, why is there not some stimulation in that area? Why aren't we looking at this and, at the same time as we are creating accommodation which is much needed in the province, hopefully we can create jobs for people. In the process of reducing unemployment and creating accommodation, we would at the same time take away some of the government bureaucracy. The sooner we get adequate rental accommodation, the sooner we can take off such measures as rent control; but we can't do it as long as the government is not prepared to look at that field of activity. I reiterate that it seems to us that with a government which prides itself on being made up of business managers and having experts around them, with the Treasurer who has been at this job for some time, there would be more imagination in approaching this type of problem. I have made one suggestion; there possibly could be others.

Our concern and the purpose of our amendment is to get some sort of accounting of what is happening when we are giving out these presents. It seems to us that makes sense and it seems to us as well that the Treasurer, who never thought of this possibly, will accept our amendment and will support it as well, hopefully. This is going to prove or disprove what we are doing here this evening by giving these presents.

The point I want emphasized and when I said it before it was said very spontaneously, Mr. Speaker, I would hope that when you look at the poor economic forecast, not only in this province, but right across the country—in fact right across the whole world—that the economic managers in this country would have more imagination in planning our future. Surely when we consider some of the problems that we have today, not only in this country but across the world, where you have at the same time inflationary pressures and unemployment, that it requires this type of imaginative economic approach. I would hope to see this government take that position.

Mr. Deans: I have been thinking a great deal about this bill since the Treasurer introduced it, wondering just what can be said that might be new.

Mr. Shore: If you can't say anything new, don't say anything.

Mr. Deans: The fact of it is that from the very day the bill was introduced it was evident that it wasn't going to be satisfactory in terms of the production of the jobs. It was also evident that it was going to work an additional hardship as far as consumer prices were concerned. One became caught in between on this bill.

Let me go back, for a moment, to 1969 with the Treasurer. When the then Treasurer introduced the bill to impose tax on production machinery, we said to him we thought that probably that was not a good idea. All that would happen would be that the manufacturer would pass that tax on to the user, the user would then pass that tax on to the consumer and it would add to the cost of the finished product. That happened. The bill was introduced, the bill was passed, the bill became law and the consumer ultimately paid the additional sums.

Then the government decided to lift the tax. But when the government decided to lift the tax it didn't suggest for one moment there ought to be some guarantees that the consumer would benefit from the removal of that tax, even though it was being removed on the basis that somehow or other this was going to produce employment in the province. I can well remember the long debates on the evening of the introduction of the bill for removal of the tax and how I asked the Premier and the Treasurer if they were prepared to show by statistical information how this bill would produce new jobs in the province.

I pointed out then, and I point out again today, that the production machinery that is purchased by the producers in Ontario is to the greatest extent manufactured outside of the province, in fact the largest proportion of it is manufactured outside of the country. Therefore whatever number of jobs may be produced by the production of the machinery, those jobs are produced either in other jurisdictions or in other countries.

The second important point is that production machinery, by its very nature, is more automated than the machinery that it replaces. The more automated machinery, again by its very nature, eliminates jobs, it doesn't create new jobs. So I fail to see the reasoning of the government in this particular area other than that they want to give a tax break to those people who support them.

I don't understand how any thinking person could reasonably put forward an argument that would show either statistically, or even by some conjecture, that the removal of this tax, which would encourage the further production of more machinery, could in any way create a substantial number of new jobs in the province. In fact if one were to take a look at the productive capacity of the province today based on the machinery that is currently in place, one would find that Ontario is not yet at its maximum in terms of productive capacity. Even the machinery currently being used you have to continue to replace because it wears out, and we all understand that, but the machinery currently being used is not being used to 100 per cent of its productive capacity today. So to make an argument in this Legislature that the elimination of this tax on production machinery will somehow or other create either a great deal more in production or more in the way of jobs in the province of Ontario is absolutely wrong. If the government wants to tell me it's the purpose of the government of Ontario to improve the profit margins of the various industries across the province and that's the reason it's removing the tax, so be it. If that's what it wants to tell the public, if that's what it wants to tell the Legislature—that it wants to remove this tax because it wants to create a better profit picture for the companies of the province of Ontario who are in the manufacturing of products—then let it say so and be honest about it. If that's what it is then let the government be honest about it and say that's why it's doing it.

Mr. Conway: Such passion.

Mr. Mancini: Don't get carried away now. You're doing a good job.

Mr. Deans: But for heaven's sake, let no one attempt—not even as Liberals—to justify support of this bill by somehow or other claiming that this will create jobs.

Mr. Conway: You tell us, Santa Claus.

Mr. Roy: Don't attack us too hard—it hurts.

Mr. Deans: I admit—in fact I don't admit, I argue quite continuously—that there is a need for job creation in the province of Ontario. But this government has no manpower policy and no policy for employment creation that one could reasonably put before the Legislature and claim that this was the policy of the government of Ontario.

Mr. Conway: Name a few of yours, Ian.

Mr. Deans: The second point, and I think it's important, is that if we are about to embark on a programme of alleviating the tax burden in the province of Ontario, then I think the government could reasonably begin at the lower income level. It's more likely that the removal of a tax or the reduction of a tax on low-income earners would be more of a stimulation to the overall economy than the removal of a tax on production machinery would be.

If you were to use the moneys that you apparently don't need to reduce taxes in the province of Ontario, albeit by a small amount, that would be more likely to create more employment and that would be more likely to create more productivity and more production in the province of Ontario than the elimination of the machinery sales tax; the reason being that the majority of people, if they were to be given additional money in their pocket, would spend it. The very fact that they would spend it would in itself create an economic stimulus which would be beneficial in the overall to the province and to the tax picture of the government of Ontario.

The third point I want to make is that if the government felt there's $160 million in the coffers of the province of Ontario that it doesn't need, that it can do without, then let it reduce the deficit by that amount. If it feels that it can get by without that $160 million, let the government use it to pay off some of the deficit that it's built up, thereby relieving some of the burden that people in this province, working every day for a living, punching in and out, are required to pay in order to pay the total tax burden of the province; or let me suggest to the government that it might be, at least from our point of view, more advantageous to take this money and use it for actual production of jobs.

We could in fact have used this money in the housing market. We could have gone into the housing field and we could have created jobs at a far greater rate and in a greater proportion in ratio than can be created through the elimination of this machinery tax.

If the government has $160 million that it doesn't need, that it thinks it might be able to use to stimulate the economy, as it says it thinks it wants to, then for heaven's sake let it use it for two purposes: Let it use it not only to provide the necessary housing but to stimulate the economy at the same time.

It would seem to me that the way this government has gone about this is exactly the wrong way. It has simply added to the profit pictures of a number of corporations which, because of the corporate planning that goes on, had planned some many years ago to replace or to purchase machinery they will need for future production purposes. Let me tell you further, Mr. Speaker, that in the area of production machinery, once one eliminates the tax all that's been done is to make for a faster write-off, because there are already write-off provisions within The Income Tax Act which allow each and every one of these companies to write off their production machinery in any event.

So this in itself proves to be of little benefit—

Hon. Mr. Snow: Just part of it.

[10:00]

Mr. Deans: Or most of it. All of the cost is added to the consumer price and most of the cost is written off. All of it is added to the price and most of it is written off.

Mr. Shore: I don't think you really understand it.

Mr. Deans: I think I do and I'm on the same side I was on the last time.

The interesting thing about it is this: If the Tories really want to create jobs, if that's their objective in life, for heaven's sake let them spend the money wisely and not only produce those jobs but do something socially useful at the same time.

The corporate profit picture at the moment in the areas where this is most likely to be used is, to say the least, healthy. I'm not going to suggest it is over or under what might be expected because each company has its own particular profit picture. Overall, it's healthy and at this point in time this is not needed in the province of Ontario. If the government has $160 million to spare they could be used much more wisely.

For those reasons we simply oppose what the Treasurer is doing. He shouldn't be doing it now. He should not be going ahead with the elimination of this tax. At least, if he insists on doing it, he should be trying to bring in some guarantees that this will be beneficial to the people of the province of Ontario and not simply beneficial to the corporate profit pictures as they are currently set out, which are adequate if not over-inflated.

Mr. Deputy Speaker: Does any other member wish to participate in this debate? If not, the hon. minister.

Hon. Mr. McKeough: Mr. Speaker, I will be relatively brief in what I have to say. There are several questions which I think I might answer first.

One of the first suggestions had to do with what additional exemptions there were for the 1975 bill; what deletions and what differences there were with the federal bill.

There are no additions; I think that's a safe statement. Some of the deletions are closed circuit television and smokestacks. The difference in what we've attempted to do is to

align it as closely as we could with the federal Act.

There are some differences from the federal Act. Perhaps the largest one is that the federal definition really gets into repair parts in the maintenance. Members are aware of the 25 per cent figure which we used, and that's a very large difference in terms of dollars and cents. I think the figure I saw was about $160 million to include repair parts. Although we have many requests to carry that exemption further, that's the large difference with the federal definition.

There are some others—geophysical surveying equipment; plans and drawings. I think that's the basic difference. The very large difference is in the repair area. I think perhaps that was the only serious question which was asked at this time.

Mr. Speaker, you've been in the chair for part of the time and it has been a rather wide-ranging debate. It was an interesting debate but little said tonight has surprised me, particularly from my friends in the third party—

Mr. Kerrio: The Liberal Party.

Mr. Roy: Say the Liberal Party for a change.

Hon. Mr. McKeough: No, the third party. Some people refer to it as the odd party. I would say the third party.

Mr. Kerrio: Takes one to know one.

Mr. Cunningham: Tell us about budget paper E?

Hon. Mr. McKeough: Perhaps I might deal with the request by the third party and the amendment which it has tabled and which I seem to have lost but which I will look at.

Mr. Roy: When we get in first place it will look like a real upset, won't it?

Hon. Mr. McKeough: A full and complete study of the kind the official opposition would like to see can't be accomplished before 1978. There is a carry-over provision, as the members well know, from the present bill, for the present exemption of goods which are delivered by December 31, 1977. There is evidence available, however, as we pointed out in the statement when the bill was introduced, which clearly demonstrates the relatively high level of the sales tax burden in Ontario vis-à-vis our neighbouring jurisdictions.

In addition the investment—the member for Beaches-Woodbine pointed this out and perhaps it's a good point to comment on now—she made some statement about the total tax burden and I really can't agree. It's hard to generalize but in the US the combination of federal taxes, state taxes and, in some instances, local corporate taxes, given their investment tax credit—which, by the way, was something promoted in the United States largely by organized labour which is more enlightened than the party which claims to represent organized labour in this province at any rate—the investment tax credit, by and large, gives a lower rate of corporate tax in the United States than here.

The member for Beaches-Woodbine mentioned other taxes. She mentioned municipal taxes which are generally lower in the United States; gasoline taxes she mentioned—they're lower in the United States. The one possible difference is the capital cost allowances which in this country are higher than they are in the states in the depreciation schedules. Taking the lower tax rates in the states on the corporation side, even with our more beneficial capital cost allowances, the end result is that the corporation taxes in most jurisdictions in the states are lower than ours.

As she has pointed out, the sales tax burden in neighbouring jurisdictions, particularly in this area, is nil. It is also nil in the province of Quebec. It is also nil in several other provinces in the country. I would have to say, however, that our main concern about the reason for the exemption is competition from the south rather than competition from the rest of Canada. That's where a great deal of our competition comes from.

Going on, as I said, the investment statistics show that since 1975 the gains made by the private sector in Ontario in terms of investment in machinery and equipment have been substantial. These facts, together with our assessment that the investment climate in this province must be improved, supports the course of action which we have proposed.

Governments in other countries—the United States, France, Germany, the United Kingdom—have used the same approach in their taxation decisions. Subsequent studies have proved the value of such investment incentives.

I particularly want to draw to the members' attention the federal decision to extend indefinitely the manufacturing and processing fast write-off incentive beyond 1974. That's a decision which we've paralleled but only to the end of 1977 and we will have to make up our mind whether we will continue to parallel that particular decision of the

federal government which we enacted here for a five-year period.

That measure was originally introduced in 1972. Ottawa was concerned, and properly so, with the competitive threat of the United States' DISC programme and had to act swiftly to counter it. A detailed review of the impact of that tax measure was not available at the time the decision was taken to extend the incentive. However, a review was subsequently undertaken by five federal government departments and the result, based on a survey of about 1,000 corporations, supported the original decision.

The implementation of taxation with fiscal incentives to stimulate the economy should ideally, of course, be based on complete and detailed statistics and information. We seldom find ourselves in such a fortunate situation and our decisions must often be based on whatever information is available at the time. Sound judgement based on the facts at hand is the basic ingredient of economic policy decisions. Failure to act until detailed information is available, given the long lag in statistical reporting and analysis, would be a serious mistake.

Mr. Peterson: But you have had time, Darcy. You have had time.

Hon. Mr. McKeough: Let me say, we have not had time. The exemption is still running obviously, and would run through to the end of 1977, if the member had listened to what I just said.

The fact is our economy is reasonably healthy. It is going to have to be healthier. Today we're operating at about 85 per cent of capacity, but if there is a continuing upturn in the United States and a continuing upturn in this country, then that excess capacity is going to be used up.

And it is today—not two years from now, not three years from now—that plans should be made and decisions should be taken to replace that capacity where it is necessary and to build it up. We need excess capacity. One of the factors that set off the inflationary pressures in 1973 and 1974 was a shortage of capacity. We don't want to get back into that position again. That's what set off high prices, both in terms of domestic consumption and in terms of our competitive position in the world. That was one of the factors.

I'm really a little surprised. My friend from Wentworth argued this business about productivity, and that a better machine and a more modern machine in the short run may mean a reduction in the labour force. I would say to my friend from Wentworth that when hooks and ladders drawn by horses came in, the horses lost their jobs and the guys who cleaned up the stables lost their jobs. That was one of the inevitable results. And I'll tell him somebody else who went right out of business—the buggy whip manufacturer.

That is the philosophy of that party over there—make work, make work no matter how you do it. I'll tell them that's not going to work in today's world. Let them go out and talk to the people, the steelworkers. Let them stop listening to the dogma that they preach to each other and which nobody listens to but themselves. Let them go out and talk to the the steelworkers. The steelworkers are proud of what we've been able to achieve in Canada. They're proud of the productivity of our plants, of our workers, of our investment in that industry. We produce steel as well as anybody in the world, if not better, and we're producing it at a lower price. There's just one reason for that. It's because we haven't been held back by shibboleths on the part of dogmatic socialists who say, "The answer is to keep everybody busy and governments spending more." People have been spending and investing money in steel-making facilities and that's one of the reasons.

Interjections.

Hon. Mr. McKeough: We're proud on this side of the House. I listen to what those over there would do, and no matter how you slice it, it adds up to just what is the typical socialist answer: To stimulate the economy, more government spending. That's what they've asked for again tonight; that's their platform, more government spending, make-work jobs, LIP jobs, that's—

Mr. Swart: In Saskatchewan, they—

Hon. Mr. McKeough: Yes, and Saskatchewan raised their income taxes three points today. That's a great move, that's a great move. Sure, that's a socialist government for you. That's right. Raise the income tax; highest rate of income tax in this country.

Interjections.

Mr. Deputy Speaker: That's enough; order.

Hon. Mr. McKeough: Manitoba and Saskatchewan; the two red provinces, the two red socialist provinces. Members opposite are worried about consumption; in Manitoba and Saskatchewan, after those two socialist governments are through, the people have nothing to spend on consumption.

I agree that what we have to do, if this country is going to move ahead and is going to maintain the standard of living and the quality of life, is we have to spend more on investment. I don't disagree with the figures used by my friend. We're going to have to increase savings and investments from 22 per cent of GNP to 26 per cent; that's going to have to happen. That's going to take profits, that's going to take increased savings; and it doesn't mean more government spending, which is their answer to everything over there. I really thought, with the enlightened member for Beaches-Woodbine in that caucus, that the hon. member might have got a little less pink and a little more sensible, but it hasn't happened.

[10:15]

Mr. Mackenzie: Thank God it hasn't happened.

Hon. Mr. McKeough: It hasn't happened.

Mr. Conway: You are insulting the Chair, Darcy.

Hon. Mr. McKeough: The hon. member's friend sitting over there has converted him to a socialist like he is—

Mr. Mackenzie: Which we are proud of.

Hon. Mr. McKeough: —and which the NDP's greatest supporters, the labour unions of this province, aren't. Go out and ask them what they think about inducements for better machinery, for new machinery, for replacement machinery. Ask them about it.

Mr. Swart: You ask them and they'll talk you down.

Hon. Mr. McKeough: The members opposite are living in the dark ages. They've got a pink cloud; they think they've got it made and they haven't. You just haven't.

Mr MacDonald: You are pre-Keynesian. That's the trouble.

Hon. Mr. Kerr: He's good old Adam Smith and we love him.

Interjections.

Mr. Deputy Speaker: Order.

Hon. Mr. McKeough: Mr. Speaker, I guess we line up in this House. Those of us here and those of us over there who don't want bigger and bigger government, who don't want more and more intrusion into the private sector by the government sector—

Mr. Swart: But do want more unemployment.

Hon. Mr. McKeough: —support this bill. And those members opposite who want more bureaucracy, more intrusion into people's lives—

Interjections.

Hon. Mr. McKeough: —can vote against the bill. They can vote against it and go to bed happy tonight saying that they helped to fight for the socialist Valhalla, which is never going to come; they are never going to have to worry about governing in this province, because they are tearing the province down daily.

They tear it down. We are trying to create a climate for investment.

Mr. di Santo: For unemployment.

Hon. Mr. McKeough: We are trying to encourage people to put something back into this province. We are not going to do it by the kind of socialist dogma that the hon. members opposite have espoused again tonight, and they have espoused it in spades.

Mr. MacDonald: Go on. You don't believe it.

Mr. Grande: If that is not dogmatic, what is?

Interjections.

Mr. Deputy Speaker: Order. Can we have some order?

Hon. Mr. Snow: Bring those socialists to order.

Mr. Deputy Speaker: The motion is for second reading of Bill 170. Shall the motion carry?

Motion agreed to.

Mr. Deputy Speaker: Shall the bill be ordered for third reading?

Some hon. members: No.

Mr. Makarchuk: No. It didn't carry.

Mr. Deputy Speaker: It carried.

An hon. member: You didn't ask—

Mr. Deputy Speaker: Yes, I did.

Mr. MacDonald: No, no. You have to read it.

Mr. Deputy Speaker: I don't have to.

Mr. MacDonald: Yes, you have to.

Mr. Deputy Speaker: No, I don't.

Mr. MacDonald: Yes, you do.

Mr. Deputy Speaker: I don't have to.

Interjections.

Mr. Deputy Speaker: The procedure in this House is that you remind the House that the Treasurer has moved second reading of Bill 170. I asked for that. There were no dissenting voices.

Mr. di Santo: Yes, I dissented.

Mr. Deputy Speaker: I heard no dissenting voices.

Mr. di Santo: Yes, I dissented.

Hon. Mr. Kerr: You did not.

Mr. Deputy Speaker: I heard no dissenting voices.

Mr. di Santo: Point of order—

Interjection.

Mr. Deputy Speaker: Shall the bill be ordered for third reading?

Interjections.

Mr. Peterson: That was a very compelling speech, Darcy. You converted them all.

Mr. Deputy Speaker: I heard no dissenting voice, and I paid particular attention because I anticipated it.

Mr. di Santo: Yes, I did dissent.

Mr. Deputy Speaker: I heard no dissenting voice. Shall it go to committee of the whole House?

Mr. Good: Record their votes and say that we heard a dissenting voice?

Mr. di Santo: On a point of order.

Mr. Deputy Speaker: What is your point of order?

Mr. di Santo: I did dissent. It isn't my fault if you didn't hear.

Mr. Deputy Speaker: If you dissented—

Mr. di Santo: I did dissent.

Mr. Deputy Speaker: I paid particular attention, and I didn't hear it.

Hon. Mr. Kerr: He was looking right at you.

Mr. Deputy Speaker: If I didn't hear it, it was because of the rollicking of your colleagues.

Interjections.

Mr. Deputy Speaker: Shall the bill be ordered for third reading?

Some hon. members: No.

Mr. Deputy Speaker: Committee of the whole House?

Ordered for committee of the whole House.

Hon. Mr. McKeough: Bearing in mind the festivities upstairs, and bearing in mind the great defeat of the official opposition and the great triumph for democracy here in this House tonight under your inspired leadership, sir, I think this would be an appropriate time to move the adjournment of the House.

On motion by Hon. Mr. McKeough, the House adjourned at 10:20 p.m.

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No. 135



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LEGISLATURE OF ONTARIO

The House met at 10 a.m.

FRIDAY, DECEMBER 10, 1976

Prayers.

Mr. Speaker: Statements by the ministry.

DRUGS MAGAZINE

Hon. Mr. McMurtry: Mr. Speaker, several members of the Legislature have asked if my ministry could take any action against the news-stand sale of a publication by the name of High Times.

On November 9 I stated in the House that the federal Department of Justice had been contacted regarding this publication, as it appeared to be a drug-related matter. I have received a response from the federal authorities indicating that although it is a drug-related matter, it is in their view a matter that could be better handled by provincial authorities under The Criminal Code. Accordingly, they do not intend to take any action.

There is no doubt but that a number of people had been offended by this drug-oriented publication and the situation, therefore, obviously warrants a full investigation followed by whatever action is warranted under the law.

Upon receiving this response from the federal authorities, I directed counsel in my ministry to view the past four months' issues of this publication in order to determine what action might be taken to prevent the continued distribution of this publication in Ontario. To assist in this task, we asked the Ontario Provincial Police to conduct an investigation with respect to the distribution and sale of this publication in Ontario. We indicated that there was urgency in this matter, and I can now advise that the initial stages of the investigation have been completed.

I would like to emphasize that in order for the Crown to establish criminality, it is imperative to rigorously analyse the contents of the magazine, to ascertain the principals involved in the distribution of the publication, and to relate that information to the appropriate sections of The Criminal Code.

A search warrant has been issued by a justice of the peace and has been executed by the police. Further search warrants may be necessary and the police will be reviewing the results of the execution of the search warrants with counsel in my ministry. A decision on charges should be made within a matter of days.

REED PAPER

Hon. Mr. Davis: With the first announcement of the memorandum of understanding between the government of Ontario and Reed Paper, it was made clear that a full review of the environmental impact of the proposed project would be considered under the provisions of The Environmental Assessment Act, 1975. In subsequent discussions I indicated that, for this particular hearing, I would seek a chairman with judicial experience, whose general background and reputation would be assuring to all who might be involved or concerned with the matter.

I am pleased to announce to the House this morning that Mr. Justice Patrick Hartt has agreed to undertake this assignment. Mr. Hartt, as many members will know, has had an outstanding career as a lawyer and judge and has recently returned to the Supreme Court of Ontario following an interim term as chairman of the Law Reform Commission of Canada.

The role which Mr. Justice Hartt will discharge as chairman of The Environmental Assessment Act inquiry will be broad and inclusive. As members will understand, the powers under The Environmental Assessment Act are much broader and all-encompassing than those associated with a royal commission. While part III of The Public Inquiries Act authorizes a commission to appoint an investigator who might for example, seek a search warrant from a judge to obtain access to certain documents or places, the power of a provincial officer under section 26(1) of The Environmental Assessment Act is wider and more appropriate for evaluation of environmental implications. For example, a provincial officer can make, under the provisions of this Act, "such surveys, examinations, investigations, tests and inquiries as

he considers necessary" on public or private property and make or remove samples, copies or extracts subject to the provisions of the Act.

I want to take a moment to make reference to my discussions and that of my government with Chief Andrew Rickard of Treaty No. 9. I have had the opportunity to discuss this appointment with him as well as the general concerns which we both share for an absolutely all-encompassing assessment of all the implications to our native citizens of any proposed forest development.

We have agreed that the power to cross-examine, take testimony under oath, and subpoena, and the capacity to examine broad social, cultural, economic and sociological concerns of the native community as well as a full assessment of any impact on historic hunting, fishing and trapping rights of our native people, will greatly enhance the ultimate opportunity, which the inquiry under the Act will have, to reach an equitable and fair determination. It was further agreed that the chairman of the inquiry will be free to hold hearings of a community nature on reservations and a technical hearing or hearings in Thunder Bay.

All Ontarians have every right to share a common faith in the capacity of Justice Hartt to pursue that equity and fairness with a sense of commitment and a standard of excellence which have been the hallmarks of a magnificent career at the law.

Our province is indeed fortunate to have the services of this gentleman as we seek to pursue our common commitment to fairness, equity and prosperity for all our northern citizens.

OTTAWA LAND SALE

Hon. Mr. McKeough: Mr. Speaker, in reply to questions in the Legislature raised by the leader of the third party and the member for Ottawa East (Mr. Roy) earlier this week—or I guess the end of last week—regarding the Ottawa Citizen article alleging conflict of interest against Mr. Aubrey Moodie, there is no record of any request being made to the ministry in 1974 for assistance, advice or intervention into the alleged conflict of interest. The matter at that time was covered by the media and is on public record, so that members of my staff were generally aware of the situation.

Since The Municipal Conflict of Interest Act provides for judicial review of conflict of interest situations, it would not normally be appropriate for the ministry to intervene unless asked for assistance. The Act specifically provides for action to be initiated by local ratepayers, who are most likely to be aware of conflict of interest. The Act also provides time limitations for actions to be initiated.

The ministry's involvement at this time was initiated by an oral request from a Citizen reporter to our regional director to review certain documents relating to the alleged conflict of interest to determine whether any action should be taken against Mr. Moodie.

These documents, personally delivered by the reporter, were reviewed by the staff of the regional office. Most of the documents related to a review of the situation by the township solicitor in late 1974, who expressed the opinion—clearly indicating that this was not to be interpreted as a judgement—that it had not been established that Councillor Moodie had either a direct or indirect pecuniary interest so as to create a conflict of interest. One more recent document was a copy of a bill of sale of the land in June 1976, over which the 1974 allegations of conflict of interest were made.

I might read into the record a telegram which I have received from Mr. Moodie. It reads as follows:

"The purpose of this wire is to set out my position in relation to the conflict of interest charges which have been so suitably timed to embarrass me prior to the election in Nepean. In today's Ottawa Citizen under the heading 'Publish and Be Damned,' the author, Russell Mills, in his capacity of executive editor, reveals the details of this ill-timed attack on my reputation. Despite earlier stories, the Citizen now admits the story was based on a telephone call on the basis that the caller's name would be withheld. The article further admits that it was a political attack.

"Based on the Citizen articles of December 1 and 2 in which my reputation was attacked, I would ask that you make the following statement on my behalf when you reply to the question of the opposition in the Legislature:

" 'I, Aubrey Moodie, support the conduct of a full inquiry requested by the Ottawa Citizen into my possible conflict of interest. Further, I ask that the terms of reference be broadened to include all plans and arrangements concerning the development of the Barrhaven area, especially the past, present and future

plans as developed by the township of Nepean.'

"I would also appreciate if you include in your statement that I request this inqury to clear my name and reputation with the people of Ontario. I am prepared to stand on my record.

"As this issue has been used locally, I intend to release copies of this wire to the media. D. Aubrey Moodie."

This issue, when it was raised in 1974, could have been dealt with under The Municipal Conflict of Interest Act passed by this Legislature.

Indeed, the question was raised at that time and the municipality, acting on the advice of its solicitor, did not proceed to take action. Nor did any taxpayer, although I understand the issue was a matter of public knowledge.

I have yet to receive the file from the Ottawa office of Treasury but I am advised that my staff, who have given the matter careful review, will not be recommending that a public inquiry be held.

Subject to confirmation when I receive the documents, I am satisfied the public interest would not be served by pursuing this matter further by way of an inquiry.

Mr. Speaker: Oral questions.

REED PAPER

Mr. Deans: Mr. Speaker, I have a question for the Premier with regard to the statement about the appointment of Justice Patrick Hartt: Are the terms of reference restricted to the 19,000 square miles currently being requested by Reed, or is there a possibility they might be extended to allow Justice Hartt to review and to attempt to establish some policy direction for northwestern Ontario and the industry in that area?

[10:15]

Hon. Mr. Davis: As to the function of the board and Mr. Hartt and whoever may be serving with him, we've reached no conclusion as to whether there would be two, three or four other people who would serve with him on the board; that is something that will be discussed with Mr. Justice Hartt when he has some opportunity to get further into the situation.

The hearing will be confined to the Reed application or the memorandum of understanding. In my discussions with Chief Rickard we did discuss the request or suggestion that Treaty No. 9 had made for a form of inquiry for everything north of the 50th parallel. If memory serves me correctly, in our discussions I suggested some form of development plan might be considered; some study whereby the government would be involved and others who are associated in that community. I discussed this with Chief Rickard. We have agreed to meet again in the latter part of January to pursue that aspect of it in some greater detail.

But I think, to be very realistic and practical this hearing will be confined to the one potential operation of Reed Paper in that particular area. The broader plan, the development plan—and I was very encouraged in my conversations with Chief Rickard that they are interested in development; he made that quite clear in our conversations—that would be a separate approach and one that I think would take a somewhat longer period of time.

Mr. Deans: Can the Premier explain why, or if it's true, that the hearings are to be restricted to the reserves and to Thunder Bay, or are those simply the focal points and the justice will be enabled to go wherever he pleases to hold hearings?

Hon. Mr. Davis: I'm sorry. I had hoped my statement made that clear. There will be no confining of the board as to where they can hold their hearings. What Chief Rickard asked me as we were discussing this was whether the technical hearings—I think the hearings will be very broad; there will be discussions of many aspects—he suggested and asked whether the straight technological evaluation of the proposed plant or mill site or whatever, could be held in Thunder Bay as opposed to, say, having it here in Toronto, since that would be more convenient. And I said certainly, from our standpoint, yes.

It is my expectation—and I mentioned this in my statement—that there would be hearings within the actual geographic area. There would be nothing to preclude hearings perhaps here in Toronto. There is nothing to prevent the chairman of the board having hearings anywhere. I think he probably will be confined to the province of Ontario, but I don't think there is anything at all that restricts it. It was just a suggestion that the straight technical aspects of it be dealt with in Thunder Bay, if possible, rather than having a number of people coming here, I think, to Toronto to do it.

Mr. Deans: One additional supplementary, if I may: Can I assume from the Premier's

statement that Treaty No. 9 are now prepared to participate in the hearing process and that the conversations that the Premier has had are an indication that Chief Rickard and others are now going to take part fully in the evaluation?

Hon. Mr. Davis: I think it's something that Chief Rickard will be discussing with the other chiefs in the Treaty No. 9 area. I explained to him, as fully as I was able to, the functioning of the Act; the right to examine under oath, which was one of his concerns; and the right to subpoena. I did speak to him about the possible appointment of Mr. Justice Hartt before I approached Mr. Justice Hartt himself.

I don't think it would be fair at this point to say that Chief Rickard can commit all of the chiefs in Treaty No. 9. He will be discussing this with them. I am confirming this by Telex this morning or this afternoon—at the first opportunity. He will be discussing this with them in the early part of January, and I would not want in any way to give my impressions to the House of what the attitude of Treaty No. 9 will be.

I can say I was encouraged during the meeting. It was a very positive one, a very constructive one, but I am sure the hon. deputy leader of the official opposition will understand that Chief Rickard has his constituency to deal with, to discuss this with, and he will be doing this, he tells me, in the early part of January.

Mr. Renwick: A supplementary question: Could the Premier tell us whether the investigation or study by Mr. Justice Patrick Hartt will extend to a consideration of the terms and conditions of Treaty No. 9 as such, to which, for practical purposes, the government of the province of Ontario was a party years ago and continues to be a party?

Hon. Mr. Davis: Mr. Speaker, I am being asked now, maybe, for partially a legal opinion. I am not sure exactly what the law might or might not say. In my discussions with Mr. Justice Hartt and Chief Rickard, I made it abundantly clear that whether or not there were one or two grey areas in the legislation we were anxious that discussion of the rights of the native people as they relate to their traditional hunting and fishing and rights flowing from any treaties in that particular area could be and should be part of the board's consideration. As I say, no statute, I guess, will ever completely cover everything in specific terms if this turns out to be something of a grey area. The chairman knows my views and there is no doubt in my mind that that aspect of the question raised by the member for Riverdale will be covered in the hearings.

Mr. Speaker: A final supplementary on this.

Mr. Cassidy: Is it correct from the Premier's statement that the government's intention is to allow the representatives of Treaty No. 9 to cross-examine witnesses who appear before the hearing, in addition to presenting testimony on their own?

Hon. Mr. Davis: I hope I made it fairly clear—the member for Ottawa Centre, I'm sure, understands how these activities work with the expectation or hope that Treaty No. 9 people will participate in this hearing. I would assume the normal course for them to follow, if they decide to participate, would be to retain counsel who, on their behalf, would cross-examine witnesses who are before the hearing, as will anybody else be able to cross-examine.

ENERGY COSTS

Mr. Deans: I have another question of the Premier. Is it the intention of the government, given that there is rapid escalation in the cost of energy, to make any representation before the Energy Board with regard to the more recent increase request by the natural gas companies in the province of Ontario? Is there any intention on the part of the government to try to develop a more integrated energy policy, taking into account the costs and the availability of the various sources of energy?

Hon. Mr. Davis: Mr. Speaker, I think that question could be more definitively answered —I have to be very careful of that phrase, I guess—by the Minister of Energy (Mr. Timbrell). I would say, in general terms, we would like to see "a more integrated energy policy." I am sure that's the objective of every government.

If the deputy leader of the official opposition is saying we can totally relate the increase in costs for the various forms of energy supply, I think that would be a shade unrealistic. In terms of whether or not we will be appearing before the National Energy Board on any request for rate application increase, I will check that with the minister and although I won't be here Monday I will have an answer for the hon. member.

Mr. S. Smith: By way of supplementary, could the Premier tell us whether he intends to proceed with Bill 109 on this particular

matter or whether he has some other way of determining how Ontario's consumers and taxpayers are to share in whatever development, exploration and transmission policies might be thought suitable for the future of our energy supply?

Hon. Mr. Davis: I think that's a question that should be properly put to the Minister of Energy. He may be here before the question period is over; if he isn't I will get an answer for the hon. member on Monday.

Mr. Peterson: Has the Premier given any consideration to the Ontario Energy Board taking a role in the hearings both before the National Energy Board with respect to rate basing or taking a position in that consortium for the pipeline? Has he given that any thought and what is his conclusion?

Hon. Mr. Davis: I must confess to the member for London Centre I have not personally given that any thought. It is quite possible the Minister of Energy may have given that suggestion some personal thought. I will check his personal thoughts and make sure they're conveyed to the member for London Centre.

Mr. Peterson: With his Christmas card?

Hon. Mr. Davis: Yes, I will get him to do it on his Christmas card.

LEVEL OF BENEFITS

Mr. Deans: I have a question I would like the Minister of Revenue (Mr. Meen) and the Minister of Community and Social Services (Mr. Taylor) to listen to while I direct it to the Minister of Labour. Is it the intention of the ministries that I've mentioned to bring in any legislation or to change the benefit levels in the Workmen's Compensation Board, the minimum wage, GAINS or The Family Benefits Act, in order to bring them into line with the more realistic figure required to cope with the rising cost of living?

Hon. B. Stephenson: Mr. Speaker, the one bright feature of living in Canada in this year is that indeed the cost of living rise has slowed down reasonably dramatically.

Mr. S. Smith: Thanks to the feds.

Mr. Warner: No thanks to you.

Mr. Speaker: Order, please.

Hon. B. Stephenson: I have explained to this House on numerous occasions previously that the joint consultative committee which we appointed to provide external consideration of Workmen's Compensation Board problems has been viewing and reviewing the various levels of benefits of the board. It is, I gather, going to make its report to the board this coming week, the week beginning December 13.

Mr. Haggerty: Promises, promises.

Hon. B. Stephenson: That report will be conveyed to me once the board has considered it. As soon as that is done then we shall seriously consider whatever recommendations come from that committee and from the board. We are indeed continuing to review one specific area of problem within the minimum wage field and as yet, as the result of the incompleteness of our review, have not been able to move in that direction.

Mr. Deans: Supplementary question: Is there any co-ordination among the three ministries, given that they provide a supplement in some instances and the entire amount of income in other instances to many thousands of people across the province? Is there any co-ordination being undertaken in these three ministries to try to bring all of the benefits that are being paid by the province of Ontario to many people in need across this province, up to a level that would be satisfactory?

Hon. B. Stephenson: There is a great deal of co-ordination through both the policy field for resources development and the social policy field, and there is a great deal of input from the other ministries in the development of policies.

Mr. Bounsall: Supplementary: Would the minister assure this House that when the minimum wage is increased there will be no increase in the differential between that normal rate and the rate for tipped employees, and that the differential may, in fact, decrease?

Mr. Speaker: I didn't recall the matter of minimum wage being mentioned.

Mr. Bounsall: Yes it was.

An hon. member: Sure it was.

Mr. Speaker: Okay. That was one of the many that I guess I missed.

Hon. B. Stephenson: I shall most certainly take into serious consideration the suggestion of the hon. member.

REED PAPER

Mr. Deans: One final question for the Premier, going back to the Reed Paper matter: Could he explain to the House how the funding will be arranged with regard to groups and interested parties who might want to make representation to the board with regard to the Reed Paper application? Will they be able to take advantage of the Legal Aid Plan, for example, in order to be represented? Or will they be able to get any kind of funding from the province of Ontario to ensure their representation will be full and complete?

Hon. Mr. Davis: Mr. Speaker, I think there's been some indication that the federal government would be interested in assisting the native people; in fact, as my memory goes, I think this government said it would be prepared to assist the native people in any participation they might have.

We have not considered extending this to other groups who may or may not wish to appear. That has not been discussed, but it has with respect to the native people.

[10:30]

OHTB BUS LICENCE

Mr. S. Smith: A question for the Minister of Transportation and Communications: I wonder if the minister could tell us, for the sake of accuracy, whether he meant to tell this House that a number of bus runs which he commented on yesterday during the debate really represent excellent competition—namely, those between Hearst and Thunder Bay, Toronto and London, Oshawa and Toronto, and North Bay and Toronto? Did he really mean to say there was good competition on those runs?

Hon. Mr. Snow: Mr. Speaker, the different licences covering those duplications of services vary as to restrictions, but those routes which I mentioned during the debate yesterday are routes on which there is parallel service run by more than one company.

Mr. Nixon: Competitive overruns.

Mr. S. Smith: By way of supplementary, let's take them one at a time. The minister said that between Hearst and Thunder Bay, Grey Goose and Greyhound are in good competition. Is he aware that Grey Goose and Greyhound run every other day and consequently never compete with each other? Does that strike him as good competition?

Hon. Mr. Snow: It is an example, I believe, although I have not reviewed the licences personally, of that being a Greyhound licensed route. Grey Goose made application and was granted the right to run over that route.

Mr. Burr: Is the minister aware that a van owner who was driving about a dozen commuters from Kitchener to Toronto was refused a licence by the Ontario Transport Board for the reason that it would offer competition to Gray Coach Lines?

Hon. Mr. Snow: I have met with, I believe, two people who are interested in running commuter vans and these were both, I believe, involved in coming from the Kitchener-Waterloo area to Toronto.

This service used to be supplied, I believe, by way of a station wagon and it was ruled by my predecessor that that did not fall under the requirements of licensing. The operator moved to a van, a small bus, I believe, with 12 or 15 seats and because he was offering a public transportation service for hire he was technically operating a bus service without a public vehicle licence. I am not sure if there was ever an application to the board for a public vehicle licence in that case.

The whole matter of car pools and van pools is one I have initiated a study on within my ministry because I think it's very important for economic purposes, for conservation of energy, that there should be a clarification as to what rules apply to a co-operative group wanting to run a commuter van or enter into car pool arrangements. I expect to have that study completed early in the new year.

If possible or necessary we may have to bring in regulations or even alter legislation to clarify the situation on how van pools or van operators running small commuter services will be handled, whether they will be licensed by the Highway Transport Board or be exempt. Right now there's no definite clarification on this.

Mr. MacDonald: You might have to state a policy, you know.

Mr. S. Smith: Getting back to the original point, Mr. Speaker, I call the attention of the House to a number of these routes on which there is alleged to be competition. Did the minister mean to say he cannot understand why Gray Coach cannot live with competition? He gave as an example North Bay and Toronto which, he said, are covered by both Gray Coach and Ontario Northland. Is the minister not aware that there is only one licence—a Gray Coach licence—and that it is a pooled service that Ontario Northland can be thrown off any time? Is he not aware that

it happens to be a pooled service, not a competitive one?

Hon. Mr. Snow: I must say, if that is a pooled service I was not aware of that. It is my understanding Ontario Northland—

Mr. R. S. Smith: It is under your ministry.

Interjections.

Mr. Speaker: Order, please.

Hon. Mr. Snow: I understand Ontario Northland does have running rights from Timmins through to Toronto.

Mr. Nixon: It is not an independent licence.

Mr. Warner: Why doesn't the minister resign? He's bungled it from beginning to end.

Mr. S. Smith: I'll make this a new question. When the minister mentions there is "good competition" in a similar situation between Toronto and London, and he mentions that Charterways, Gray Coach and Greyhound are "in competition", is he not aware that Charterways runs a very expensive VIP service, totally different from any of the others; that Gray Coach runs a milk run on one particular route to Toronto—

Hon. Mr. Davis: Ah now, don't bring the Minister of Agriculture and Food (Mr. W. Newman) into this.

Mr. S. Smith: —and that Greyhound runs a totally different express run on the QEW and 401 by a completely different route and, therefore, is in no competition whatsoever? Doesn't the minister know that?

Hon. B. Stephenson: What do you define as competition?

Hon. Mr. Snow: Yes, I am totally aware of those three licences—

Mr. Nixon: Not on the same route.

Hon. Mr. Snow: —but, as I stated yesterday, that is an example of where there are three different companies operating a public bus service between London and Toronto.

Mr. S. Smith: Supplementary: When the minister mentions "between Oshawa and Toronto both Gray Coach and Voyageur travel the same route," and he says, "I suppose nobody rides between Oshawa and Toronto," is he not aware that in fact nobody does ride between Oshawa and Toronto on the Voyageur because they are not allowed to take people from Toronto to Oshawa, or Oshawa to Toronto? They go through Oshawa to points distant.

Mr. Nixon: Didn't know about that, eh?

Hon. Mr. Snow: That is an almost duplicate comparison to the route of Greyhound and Gray Coach that is under consideration.

Mr. S. Smith: You can't get off in Oshawa.

Hon. B. Stephenson: But that's what the Greyhound application is all about.

Hon. Mr. Snow: Under what the hon. member would like to propose, all the passengers would have to get off Voyageur at Oshawa and get on to Gray Coach.

Interjections.

Hon. Mr. Snow: This is an area which is very similar to the Greyhound-Gray Coach situation between Sudbury—

Interjections.

Mr. Speaker: Order, please.

Hon. Mr. Snow: Voyageur picks up passengers all through eastern Ontario and brings them right to Metropolitan Toronto.

Mr. S. Smith: But not from Oshawa.

Hon. Mr. Snow: And they overrun Gray Coach lines from Oshawa in. That is almost an exact parallel to having Greyhound—

Hon. Mr. Rhodes: That's right, the same as Sudbury.

Hon. B. Stephenson: That's what Greyhound is applying for.

Hon. Mr. Snow: That is almost an exact parallel to having the Greyhound service bringing their passengers that they pick up in northwestern Ontario right through to Toronto over the same run.

Hon. Mr. Rhodes: Okay. The Quebec liberals have got a problem understanding Ontario.

Mr. S. Smith: You are dead wrong, John.

Hon. Mr. Rhodes: You are away out in left field.

Mr. Speaker: Order, please. This is beginning—

Interjections.

Mr. Speaker: Order, please. We are getting a rehash of what I understand was discussed pretty thoroughly yesterday.

Mr. S. Smith: The minister should stick to what he knows, if he can find it.

Mr. Speaker: Order, please. Order. The question period, I think, could be improved by not rehashing everything that was said yesterday and debating it.

Mr. Sweeney: But it was all wrong.

Mr. Speaker: That is a matter of opinion. Order, please. You wonder about the deterioration of the question period. Let's have questions that are of urgent public importance and which we haven't dealt with yesterday—or too often at least, I guess I shouldn't just say yesterday.

Does the hon. member for Durham East have a supplementary that we would allow?

Mr. Moffatt: Yes. I would like to ask the minister, if a person wished to take a bus from Oshawa to Toronto, would he have a choice between Gray Coach and Voyageur to get from Oshawa to Toronto?

Mr. S. Smith: Of course they don't.

Mr. Nixon: They would have to go by Kingston.

Hon. Mr. Snow: No, they do not, but the people who get on the bus—

Interjections.

Mr. Speaker: Order, please.

Hon. Mr. Snow: The people who get on the bus at Port Hope, Kingston, Belleville or Peterborough—

Interjections.

Mr. Speaker: Order.

Hon. Mr. Snow: —do not have to get off the bus at Oshawa and get on to a Gray Coach bus, and that is what we are talking about.

Mr. S. Smith: I'm going to carry this on because this matter is before cabinet; and if that's a sign of the kind of understanding the cabinet has of this matter—

Interjections.

Mr. Speaker: Order, please. We've spent 10 minutes on this now. If you wish to continue, it's your time.

Mr. S. Smith: Let me ask another question of the Minister of Transportation and Communications: If the cabinet does in fact overturn the decision of the Highway Transport Board on appeal, does the minister intend to make up to Gray Coach the revenue which they are presently losing because he refuses to take Greyhound off the runs in question? Will the minister make up the loss in revenue?

Hon. Mr. Snow: No, Mr. Speaker.

RENTAL CONSTRUCTION

Mr. S. Smith: This is to the Minister of Housing—hopefully he may know more about this matter than he does about transport.

Can the minister tell us if he has any plans to increase the amount of rental housing available in Hamilton, in view of the recent report and recent motion passed by the city council there? And is he planning to use some of the land which has been banked by OHC, on the mountain in Hamilton, to get some low-priced rental housing, which is very much needed in Hamilton?

Hon. Mr. Rhodes: The hon. member asked last week that I put some material together for him concerning the land in Hamilton Mountain. That's in the process of being done.

I'm a little surprised at the indication of the shortage. The information that I had was that one of the higher vacancy rates exists in the Hamilton area; around 3.8 per cent is the vacancy rate there. But if there's a need for rental housing certainly the land can be made available to develop rental housing, providing the municipal council will approve the zoning that's required to build the necessary facilities.

Mr. Cassidy: Supplementary: In view of that answer, and in view of the concern that the minister has expressed from time to time—

Mr. Speaker: Order, please. What does this have to do with housing in Hamilton?

Mr. Cassidy: It relates, Mr. Speaker, to the general—

Mr. Speaker: Well, I haven't heard it yet. I'll hear the member out, but it doesn't seem to be related.

Mr. Cassidy: Could the minister explain in general why less than 20 per cent of his budget has been devoted to rental housing and 80 per cent to private dwellings?

Mr. Speaker: That is completely away from the original question.

TAX REBATE ON CONDOMINIUMS

Mr. S. Smith: One final question, to the Minister of Revenue:

In view of the situation last fall when it was decided that condominium owners had been unjustly over-assessed, relative to other forms of owner-occupied housing from 1971 until 1975, can the minister tell the House whether he might reconsider his decision to permit a property tax rebate only to those unit owners who appealed their assessments, from those years in question, to both the assessment review court and to the county court? Could he widen this and permit all the condominium owners to recover, in some way, the taxes which they were unjustly charged?

Hon. Mr. Meen: As I have explained on a number of occasions, to the maximum extent I can—and for that matter where there is any justification for allowing any adjustment in these taxes—I have already acted. We amended The Assessment Act last year by Bill 8 to accommodate an adjustment in the assessment for the year 1976 and following.

With respect to every last appeal that was then outstanding and for which, therefore, the assessment rolls for the municipalities were not closed, and for which consequently one could assume the municipalities had some sort of reserve set aside to take care of any such adjustments that might be made in the courts, I instructed my people, in appearing on behalf of the municipalities in effect, concerning those assessment appeals, to adjust the assessments for those years—in some instances 1971 through 1975, the majority of instances—to adjust those on the basis of the principle contained in Bill 8.

I don't propose to amend The Assessment Act to open up all assessment appeals, all assessments of condominiums; those are owner-occupied properties like anything else. To do that would cast an additional burden on all other homes in the municipalities, would throw their finances into turmoil—finances relating back to years when there have been sales of the properties, and of course those moneys would have to be recovered out of current revenues. Therefore, I have not been proposing that any such adjustment be made to The Assessment Act, nor for that matter am I suggesting to the Treasurer that he should amend The Municipal Act.

[10:45]

Mr. S. Smith: By way of supplementary, could the minister not consider some mechanism such as a tax credit, which could be taking place over the next five or even 10 years, by which this money could be recovered by these condominium owners, since they were unjustly taxed in the first place, and yet not overly burden the public Treasury or put a hardship on the municipalities?

Hon. Mr. Meen: I think that question might more properly be directed to the Treasurer.

Mr. S. Smith: I would redirect it then. Would the Treasurer consider a form of tax rebate over the next five or 10 years to assist these condominium owners?

Hon. Mr. McKeough: For the same reasons that the Minister of Revenue has given, no.

Mr. Cassidy: Can the minister report on the progress of settling the 30,000 appeals that were established and will he table in the House details of the number which have been settled and from which date?

Hon. Mr. Meen: I think I can give some of that information. I believe the vast majority of the 30,000 appeals that were outstanding about this time last year, if not all of them, have now been settled, and that either the municipalities have made rebates to the owners or have credited the property owners with the degree of rebate therefor applicable against their 1976 tax bills.

To the extent that my ministry have details of that, I would be pleased to get the information, provided that it's not privileged, which would preclude its production.

Mr. Speaker: The hon. Solicitor General has the answer to a question which was asked previously.

RACIAL ATTACK

Hon. Mr. MacBeth: The Legislature will recall that in recent weeks several questions have been raised concerning a racial disturbance which occurred on Weston Road. I am now in a position to report to the House on the matter. An East Indian religious and cultural festival was the catalyst of this unfortunate incident. While members of the group participated in the ceremony, a number of people gathered outside the hall, throwing rotten vegetables and shouting racial slurs. A confrontation was inevitable.

The investigation of the case by Metropolitan Toronto police has been thorough. Everyone known to be present was interviewed. However, there is considerable conflict in the statements made to police by

the witnesses. Positive identification of those allegedly committing offences has for the most part been unsuccessful, although one charge has been laid. In spite of this, an investigator from the Citizens' Complaint Bureau is continuing his work on the case. When he has gathered all the facts available, he intends to consult with a Crown attorney concerning the possibility of further charges.

The police do not enjoy their role as referees in neighbourhood bitterness. I can assure the House, however, that they are endeavouring to perform their task as impartially as possible. The member for York South (Mr. MacDonald), in whose riding this incident occurred, has also expressed concern over the matter and has met with me, police officials and with members of the local community. He has achieved some success in reconciling differences and in reaching community understanding.

While I'm on my feet, I have the answer to another question.

INTERCON SECURITY

Hon. Mr. MacBeth: The Legislature will recall that on Tuesday the member for High Park-Swansea (Mr. Ziemba) asked why the Ontario Government Protective Service does not provide security for the Ministry of Revenue offices at 77 Bloor Street West. Intercon Security provides security at that location.

At the time the question was asked, I didn't realize the building was privately owned. The occupants include the Ministries of Revenue and Culture and Recreation as well as private tenants. The owner of the building, Cadillac-Fairview Corporation, arranges and provides for security on its property.

I was asked about a particular employee of Intercon, Mr. Richard Grange. As some members may be aware, Mr. Grange was once involved with Canadian Driver Pool. However, I am informed that Mr. Grange is employed by Intercon solely as an account executive.

NUCLEAR GENERATING STATIONS

Mr. Moffatt: My question is of the Minister of the Environment. I would like to ask the minister if it is getting to be the policy of this government that all nuclear generating stations are going to be exempt from The Environmental Assessment Act or simply the Darlington generating station?

Hon. Mr. Kerr: Mr. Speaker, the Darlington generating station is not exempt from The Environmental Assessment Act. It is still under the umbrella of that Act and I would assume that future stations will take the same course.

Mr. Moffatt: A supplementary: Would the minister care to advise the House, and through the House the municipality of the town of Newcastle and the region of Durham, when procedures will be put in place so that the proper review can take place? Both the municipal and regional governments have asked for such a review before any construction takes place. It is my opinion that Ontario Hydro wishes to get to work on that site at some time in the next year.

Hon. Mr. Kerr: At the present time, Hydro is conducting two studies. One is an impact study and another is an assesment of the whole project. I believe one is available now and one will be available some time before the end of this year.

The Minister of Energy (Mr. Timbrell), of course, will be making a statement on those reports when they're both available. At that time it will be decided whether or not those studies are sufficient or whether there should be public hearings.

At that time as well, I would assume that any consideration of an exemption for that particular station would also be made. I'm aware that both the town of Newcastle and the region of Durham have asked for public hearings.

FLOOD PROTECTION STANDARDS FOR HOUSING DEVELOPMENT

Mr. B. Newman: Mr. Speaker, I have a question of the Minister of Housing. Is the minister aware that the unnecessarily restrictive flood protection standards in the Little River and the Turkey Creek areas are delaying the development of approximately 800 building lots in the city of Windsor, which would provide housing for approximately 2,000 people? Would he look into this and consult with his colleague, the Minister of Natural Resources (Mr. Bernier), and expedite these studies so that the construction could start if it is warranted?

Mr. Peterson: You spend a lot of time talking to officials. Tell us what you know about Turkey Creek.

Mr. Nixon: It was named after him.

Hon. Mr. Rhodes: I've seen some turkeys in my day but you've got to be the best, I'll tell you.

I am aware this is causing a delay. I have discussed it with my colleague but, quite frankly, it's a matter on which the local conservation authority has taken a very firm position. It is causing delay, there's no question about it.

Mr. Mancini: They shouldn't have that right.

Mr. B. Newman: Is the minister aware the studies are not completed? We're asking for an acceleration of the studies so that the housing, if it is warranted, could commence.

Hon. Mr. Rhodes: I certainly have no objection whatsoever to accelerating the development of the housing the hon. member refers to. We have been in discussion with the local conservation authority. I have seen some of the reports and we are being delayed by the present standards which it is standing by. It insists that this is a flood-prone area but I'm inclined to feel that it could ease those restrictions and the housing could be built.

LIE DETECTOR TESTS

Mr. MacDonald: A question of the Attorney General: Is the minister aware that some companies, specifically the firm of Johnson, Matthey and Mallory in the borough of York, are insisting, in current negotiations with their employees, that the employees must accept the use of what are now euphemistically referred to as psychological strain evaluators—namely lie detector machines—in their relations with employees? Is the minister aware of that and does he approve of this kind of procedure?

Hon. Mr. McMurtry: I'm not aware of it and from the limited information given to me this morning, I would say that I would have some grave concern about that practice. Certainly there's no suggestion that it offends any law, but as members know our ministry, as I think I've indicated to the House, is considering or developing a policy proposal with respect to the use of polygraph machines in employer-employee relationships. I've discussed the matter with the Minister of Labour (B. Stephenson) and she is also very interested in the proposal.

Mr. MacDonald: A supplementary: Would the minister or his ministry clarify the position with the union involved because it has been told by somebody in the ministry that this isn't illegal? It may be that it isn't illegal but would the minister clarify that while it may not be illegal, he has concerns about it and is studying the issue?

Hon. Mr. McMurtry: Yes, I will.

Mr. B. Newman: A supplementary: When will the minister provide the House with the study he mentioned he would undertake on behalf of the city of Windsor concerning the use of the lie detector, a question which I raised in the House some months ago?

Hon. Mr. McMurtry: Mr. Speaker, I didn't undertake or agree to undertake a study on behalf of the city of Windsor. I indicated that I thought this was or should be a matter of some concern to all the people in Ontario and that a specific policy proposal is being developed. I can't state that with the few days remaining in this session it's likely to be introduced to the House but certainly I would think it would be very early in the next session.

HYDRO POWER REDUCTION

Mr. Kerrio: Mr. Speaker, I'd like to direct a question to the Premier.

In view of the question I raised on the floor—time wouldn't allow a supplementary—it's very urgent and important business when Hydro, through cutbacks and power interruptions, causes the loss of some 50 jobs in my area; in an interview last night the Minister of Energy agreed that it might not only be 50, but maybe 100 throughout the province. I had also interjected in that question the—

Some hon. members: Question.

Mr. Kerrio: —concern that there were industries in the Niagara area now considering moving into the United States. My supplementary, which is now in the form of a question, is that with the concerns I have, would he ask the Minister of Energy if in this province we could not have higher priorities for industry and those people who are going to invest in our economy, and keep the jobs here in Ontario?

Mr. Peterson: Don't ask him, tell him.

Hon. Mr. Davis: I'm sure the hon. member realizes that has always been the thrust of the government of this province. That's why we've been able to have the kind of economic development which has been so much a part of the growth of Ontario. If the opposition doesn't interfere too much, Ontario Hydro

will be able to continue to pursue that direction.

Mr. Peterson: We're behind the rest of Canada.

Hon. Mr. Davis: We run into difficulty from time to time, I would say to the hon. member, when some people opposite decide that Ontario Hydro is going a little too far a little too fast, and we have to cut back the dough; we can't build anything more; there are problems over transmission lines, and so on. All that is somewhat inhibiting for the development of the economy of this province. I'm just delighted the member for Niagara Falls recognizes this.

Mr. Nixon: Do you think Darcy made a mistake when he cut them back by $1 billion?

Mr. S. Smith: Your restraint programme is gone.

Mr. Speaker: Order please.

Interjections.

Hon. Mr. Davis: It's true, I certainly agree with the member for Niagara Falls. Even though it was not in the form of a question, I also agree that he wants to get this position he takes back to his constituency so they recognize he's taking a very active interest. If he wants to say the Premier is also concerned, he can quote me directly as of this morning.

Interjections.

Mr. Speaker: We'll hear a supplementary from the member for Niagara Falls first of all.

Hon. Mr. Davis: Without being provocative.

Mr. Kerrio: My question was would the Premier consider talking to the Minister of Energy and getting Hydro to be more efficient with the power we're generating now?

Hon. W. Newman: That's what he said.

Hon. Mr. Davis: Mr. Speaker, I thought that's exactly what I said. I'd be delighted to talk to the Minister of Energy further but I thought that's really what I said in reply to the speech the member made just a few moments ago.

Interjections.

Mr. Speaker: Order please. A final supplementary, the member for York South.

Mr. MacDonald: When the Premier talks with the Minister of Energy, would he clarify with him whether there's been any change in the position of AMPCO—the Association of Major Power Consumers in Ontario —namely, that they were in favour of interruptible contracts as a means of reducing the size of the system and therefore reducing rates?

Hon. Mr. Davis: I would be delighted to discuss that with the Minister of Energy. I guess I would doubt that they have changed their position. That doesn't get away from the point I was making: That the people opposite have had a great deal to say about Hydro and its growth. All I'm saying is that part of the problem is—

Mr. Renwick: We get it.

An hon. member: We get the message.

Hon. Mr. Davis: —we must continue to have growth in Hydro right across the province so we can continue with economic development. The sooner everybody realizes it the better.

Mr. Renwick: Your members, too.

Mr. Speaker: Order; order please.

Mr. MacDonald: On a point of order, Mr. Speaker, I would draw to your attention, and through you to the Premier, that the report of the select committee on Hydro was a unanimous report and included his members too.

Hon. Mr. Davis: In reply to that point of order, I will say to all members in this House—and I don't want to be provocative on a Friday morning—that one of the great reasons for the success of the economy in this province has been Ontario Hydro.

Mr. MacDonald: Who is making speeches now?

Hon. Mr. Davis: I was replying to the point of order, Mr. Speaker. I don't want to make a speech.

Interjections.

Mr. Speaker: Order, please.

Hon. Mr. Davis: I have already made the point; just don't inhibit them too much.

[11:00]

Mr. Speaker: The question period has expired.

Petitions.

Presenting reports.

REPORTS

Hon. Mr. McKeough tabled the annual report of the Ontario Land Corporation for the period prior to April 1, 1976.

Mr. Speaker: Motions.

Introduction of bills.

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH AMENDMENT ACT

Hon. Mr. McKeough moved first reading of Bill 187, An Act to amend the Regional Municipality of Hamilton-Wentworth Act, 1973.

Motion agreed to.

Hon. Mr. McKeough: The measure I am introducing today is designed to facilitate public transportation facilities in the Hamilton-Wentworth region by placing the responsibility for delivering transportation services in the hands of the regional municipality. The Act provides for the acquisition of the shares of the Hamilton Street Railway Company by the regional corporation of Hamilton-Wentworth.

USE OF CHLOROFLUOROCARBONS IN AEROSOL SPRAY CANS ACT

Mr. Bain moved first reading of Bill 188, An Act to ban the Use of Chlorofluorocarbons in Aerosol Spray Cans.

Motion agreed to.

Mr. Bain: The bill provides for banning, in aerosol spray cans, the use of restricted chlorofluorocarbons, which are contributing to the destruction of the ozone layer and thereby will contribute indirectly to increasing incidences of skin cancer.

ANSWERS TO WRITTEN QUESTIONS

Hon. Mr. Welch: Before the orders of the day, I wish to table the answers to questions 127, 128, 129 and 130 standing on the notice paper. (See appendix, page 5615.)

Mr. Speaker: Orders of the day.

CONCURRENCE IN SUPPLEMENTARY SUPPLY

Resolutions for supplementary supply for the following offices were concurred in by the House:

Office of the Assembly;

Office of the Ombudsman;

Office of the Provincial Auditor.

House in committee of the whole.

RETAIL SALES TAX AMENDMENT ACT

House in committee on Bill 170, An Act to amend The Retail Sales Tax Act.

Mr. Chairman: Any comments or discussion of any section of Bill 170?

Sections 1 to 5, inclusive, agreed to.

On section 6:

Mr. Chairman: Mr. Peterson moves that the bill be amended by adding thereto the following section:

"Section 6: Not later than January 1, 1978, the minister shall cause a review to be made respecting the impact on public revenues on job creation, unemployment, investment and growth in the productive sector of Ontario, resulting from the operation of the exemptions created by paragraphs 38 and 38(a) of section 5(1) of The Retail Sales Tax Act, as enacted by section 3 of this Act; and shall lay a report setting out the results of the review before the assembly, if it is in session, and if it is not at the commencement of the next ensuing session."

And that sections 6 and 7 of the bill be renumbered as sections 7 and 8 respectively.

Mr. Peterson: Very briefly—

Hon. Mr. McKeough: Before the member speaks to the amendment, I'm wondering if he might change the wording. The reference to minister in The Retail Sales Tax Act is to the Minister of Revenue and I think probably this is a review that, if it is to be done, should be done by Treasury. I'm wondering if he would be agreeable to changing the words "the minister" to the full title "the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs."

Mr. Chairman: In the second line?

Mr. Peterson: I'll happily do that.

Hon. Mr. McKeough: In the second line. If he will so agree I will accept the amendment.

Ms. Bryden: I just wanted to say that our party intends to support this amendment. We've been asking for studies of this sort for a considerable time. In fact it should

be part of an ongoing review of any exemption to monitor the effects of it.

We really think that the forthcoming exemption should be tied to performance. The ministerial discretion which is there, which we've mentioned in the second reading debate, could possibly be used to withdraw the exemption from companies which do not perform in the sense of providing additional investments and additional jobs. Certainly that's something the minister should be looking at.

In addition we would also hope there will be a study of the current programme, which is due to expire December 31, 1976, as to its effect and whether the $410 million that has been spent on it has actually produced any increase in jobs in this province.

Motion agreed to.

Section 6, as amended, agreed to.

Sections 7 and 8, as amended, agreed to.

Bill 170, as amended, reported.

Hon. Mr. Welch: Bill 139.

Clerk of the House: Bill 139, An Act respecting Employees' Health and Safety.

Mr. Chairman: We are dealing with Bill 139. Can we have a Minister of Labour?

Mr. Deans: Or anybody else who cares to talk on it?

Mr. Swart: We'll lend you some.

Hon. Mr. Welch: Mr. Chairman, if the committee would just give me a few minutes —I think the Minister of Labour felt there was going to be a little more time spent on the retail sales tax exemption. We have now sent for her. We can have a brief musical interlude or whatever else you might want to do.

Hon. Mr. Davis: We could sing.

Mr. Deans: Oh no, you can't, I heard you.

Hon. Mr. Davis: White Christmas, Jingle Bells.

Hon. Mr. Welch: We could, if you thought we'd the time, move out of committee and give Bill 170 third reading as the Treasurer won't be here next week.

Hon. Mr. Welch moved the committee rise and report.

Motion agreed to.

RETAIL SALES TAX AMENDMENT ACT

Hon. Mr. McKeough moved third reading of Bill 170, An Act to amend The Retail Sales Tax Act.

The House divided on the motion for third reading of Bill 170, which was approved on the following vote:

Ayes	Nays
Auld	Bain
Belanger	Bounsall
Bennett	Bryden
Birch	Burr
Breithaupt	Davidson (Cambridge)
Brunelle	Deans
Campbell	Dukszta
Cunningham	Germa
Davis	Gigantes
Drea	Godfrey
Eakins	Grande
Eaton	Laughren
Givens	Lawlor
Gregory	Lupusella
Grossman	Mackenzie
Haggerty	Makarchuk
Johnson (Wellington-Dufferin-Peel)	McClellan
Jones	Moffatt
Kennedy	Philip
Kerr	Renwick
Kerrio	Samis
Lane	Swart
Leluk	Warner
MacBeth	Wildman
Maeck	Ziemba—25.
Mancini	
McCague	
McEwen	
McKeough	
McMurtry	
McNeil	
Meen	
Miller (Haldimand-Norfolk)	
Miller (Muskoka)	
Newman (Durham York)	
Newman (Windsor-Walkerville)	
Nixon	
Peterson	
Rhodes	
Ruston	
Scrivener	
Shore	
Singer	
Smith (Hamilton Mountain)	

Ayes
Smith
(Hamilton West)
Snow
Spence
Stephenson
Sweeney
Taylor
Villeneuve
Welch
Wells
Williams
Worton—55.

Ayes 55; nays 25.

[11:30]

House in committee of the whole.

EMPLOYEES' HEALTH AND SAFETY ACT
(continued)

House in committee on Bill 139, An Act respecting Employees' Health and Safety.

On section 1:

Mr. Chairman: When we were last discussing this bill, the hon. member for Nickel Belt had the floor.

An hon. member: Which labour critic do we have today from that great party?

Mr. Laughren: Mr. Chairman, when we adjourned this debate on Tuesday last, we were debating section 1 of the bill.

Mr. Chairman: Could we have some order please?

Mr. Laughren: Could we have some sound, too? When we were debating section 1 of the bill, we had a prolonged debate on section 1(b). At that time, I intended to move other amendments to section 1 as well but after discussing them with a number of people who were most helpful in working out some of the legal niceties of the bill, I have reduced some of our intended amendments because we felt they were either not necessary or redundant.

In section 1(b) of the bill we still wish to move an amendment. Since we had considerable debate on it on Tuesday last, I would ask the Chairman's direction as to whether or not he wishes me to move it again, although it has been moved once.

Mr. Chairman: If the language has been changed I think you should move it again.

Mr. Laughren: I will move it again then, Mr. Chairman.

Mr. Chairman: Mr. Laughren moves that clause (b) of section 1 of the bill be struck out and the following substituted therefor:

"Employer includes a person, firm, association, body, corporation or manager as defined in Part IX of The Mining Act, who or which has, in connection with the operation of a place of employment, one or more employees in his or its service."

Do you want to read all of the amendments to (b), (c), (d), and (g) at the same time?

Mr. Laughren: Perhaps I should send you another copy of the amendments. The only other amendment to section 1 is two additions—(h) and (i), to section 1.

Mr. Chairman: We have that.

Mr. Laughren: You have that? I shall move that now if you wish.

Mr. Chairman: Mr. Laughren moves that the said section 1 be amended by adding thereto the following clauses: (h) Occupational health means, subclause (i) the promotion and maintenance of the highest degree of physical, mental, and social well-being of workers; subclause (ii) the prevention among workers of ill-health caused by their working conditions; subclause (iii) the protection of workers in their employment from factors adverse to health; subclause (iv) the placing and maintenance of workers in an occupational environment adapted to their physiological and psychological conditions.

"Clause (i) Health and safety representative means a health and safety representative selected by employees he represents."

Mr. Mancini: I believe we discussed section 1(b) the other day. My colleague the member for Sarnia (Mr. Bullbrook) put forward a very strong case on why we should not accept section 1(b) as amended by the member for Nickel Belt and we are not going to support this section.

While I am up, I would like to speak to the new section 1(h).

My colleague the member for Nickel Belt goes into a long definition and a long explanation of occupational health. I was really quite interested to see in section 1(h)(iv) the placing and maintenance of workers in an occupational environment adapted to their physiological and psychological condition. Really he'd probably have to have the workers take psychological tests to have something like this carried out. He goes just too

far. He makes the whole bill unworkable, if we are going to have something as Utopia-like as this.

He goes on to talk about the prevention among workers of ill-health caused by their working conditions. It already states in the bill that if the worker feels that a certain piece of machinery or work place will not benefit his health, he has the power not to continue to work and to bring this to the attention of his union steward and also the management. He also has appeals from their decision. I believe once again we are seeing words and amendments just for the sake of being placed.

Mr. Laughren: I will not continue the debate on clause (b) because we did cover that the other night. But on clause (h), I was not merely trying to put in amendments just for the sake of adding words but rather to establish just what we mean by occupational health.

It is agreed this is a bill affecting employees' health and safety, yet there is no definition in the bill as to what is really meant by occupational health and safety. I understand the minister feels that would be more appropriate when the omnibus legislation comes in.

All I am saying is let's establish right now what occupational health means. Would the member who just spoke for the Liberals or the minister have any objection to that kind of goal for the work place? No one is suggesting in this amendment there is a contravention of the Act if they don't strike it right on, if that doesn't happen. I don't think it's Utopian at all. I see nothing wrong with establishing those kinds of goals for workers in the work place.

What is wrong with saying there should be a maximum of physical, mental and social well-being for the workers in the work place? Maybe that is what we all are striving for. It is not just a case of determining the maximum output, but rather the maintenance and the well-being of the workers in the work place. Increasingly we know that the factors that affect workers' health are not necessarily physical but could be psychological, or could be mental and physiological as well.

Certainly any legislation that is striving to improve health and safety conditions in the work place should have in its content this kind of clause which says this is what we are striving for and that the people in the work place responsible for occupational health, namely the employers, the employees and any government inspectors who might intervene at some stage, should be aware of what we mean by occupational health in the work place. For that reason we have introduced this amendment.

[11:45]

Clause (i) has been added primarily because the health and safety representative is not defined and yet it is discussed in other parts of the bill. We felt it should be in the definition section of the bill to indicate that what we mean by a health and safety representative is simply a worker selected by the employees. I don't think there was any other intent in the minister's bill, but this does set it out as a definition of what a health and safety representative is.

Mr. Mancini: I have to disagree with the hon. member for Nickel Belt. It states very clearly in section 2 of the bill, and I quote: "Where an employee in a work place has reasonable cause to believe that a machine, device or thing is unsafe for him to use or operate or a place in or about a work place is unsafe for him to work in," and so on. I think it states very clearly what the intent of the bill is. It's to give the employee the right to refuse work which he considers to be dangerous to his health or his safety. I really don't think we have to go into the area of pipe dreams where the member for Nickel Belt talks of the psychological conditions—

Mr. Davidson: Are you saying the safety of the worker is a pipe dream?

Mr. McClellan: Since when is occupational health a pipe dream?

Mr. Davidson: Would you repeat that?

Mr. Mancini: It is stated very clearly in section 2; and really, I think this part of the bill, amended as suggested, will make it totally unworkable. However, Mr. Chairman, I believe that we are ready to accept section 1(i) of the bill, and only that portion.

Mr. Germa: Mr. Chairman, it is quite obvious that the member for Essex South really doesn't understand what the member for Nickel Belt is trying to accomplish. Maybe he might understand this—when we are talking about social well-being we are not talking about the roof caving in on your head. We know that part is in the bill, to protect you from physical damage; but there are other things in the work place—

Mr. Mancini: You guys want to introduce all those fancy words and it is just not going to work.

Mr. Germa: There are other things in the work place which are a hazard to workers, and I suppose it's because of your lack of experience that you don't really understand what you are talking about.

Let me just give you a small instance of a situation, and I hope the minister is listening intently to this.

Hon. B. Stephenson: Oh always, Mr. Germa.

Mr. Germa: I know you received my advice very readily on former occasions; now listen to this.

Hon. B. Stephenson: I hear it.

Mr. Breithaupt: She receives it but she may not accept it.

Mr. Germa: I wish the House leader wouldn't interrupt the minister; I've asked her to pay attention to what I'm going to tell her. I ask her to listen. I cannot force her to listen, of course, but I have requested.

On Monday last, Mr. Chairman, I had occasion to meet with some people who work in the smelter at Falconbridge Nickel Mines. They were complaining about the noise in the work place and said the only place they could get any respite from the noise was in the lunch room, which wasn't very much respite anyway. I asked them what the noise level in the lunch room was and they told me it was 89 decibels. This is where people go to get out of the noise. They go into a room at 89 decibels, when we know that 90 decibels is the damage point.

So there is what the member for Nickel Belt is talking about, the social well-being of the workers. We're not talking about the machine which is unsafe to operate. That's only part of the hazards. There are greater hazards than the physical hazards, the psychological hazards, the hazards to hearing.

How can a person properly have his lunch; how does his digestive system function in a noise level of 89 decibels? That's part of the strain. How much strain can the human body take? Eight hours of noise in excess of 90 decibels, and then you have to have a lunch room with a noise level at 89 decibels.

That's why it is necessary for clause (h) to be in there, to take into consideration the total human being; not only his broken arms and his broken legs, but all of those other things that go to make up a person's anatomy, including protection from noise.

Mr. Chairman: Does any other member wish to speak to the amendment? The hon. minister.

Hon. B. Stephenson: Mr. Chairman, while I can listen with sympathy and a certain degree of concern to the statements made by the hon. members for Sudbury and Nickel Belt, on reading the definition of occupational health under clause (h) I would have to tell you that these indeed are the goals of the Ministry of Labour in proposing this kind of bill. However, as the hon. member for Nickel Belt has suggested, we believe it is inappropriate to introduce this section at this time, because this is much more appropriate for the omnibus health and safety legislation.

The purpose of this bill is an important first step, as I have said on at least three or four occasions. What we are attempting to do with this bill is to ensure the right of the worker, in using his good judgement, to refuse to do work which he considers to be unsafe for him; to ensure that in exercising that good judgement he will not be unduly penalized; to ensure that there will be some representation of workers in the development of programmes for occupational health and safety through health and safety committees in the work place or the appointments of health and safety representatives.

It is our intent—and we are working on the omnibus legislation right now—to introduce a comprehensive bill which will incorporate some of the goals that have been stated here. As they are presently stated in the amendment proposed by the hon. member for Nickel Belt, I would have to have some concern about some of the wording.

I do not believe it is the intent of this House at this time to delay this piece of legislation while we concern ourselves unduly with semantics. I believe it's important that we pass this piece of legislation at this time in order to ensure that the kinds of moves we wish to make to protect the health and safety of workers will be enacted and that we can get on with the careful examination, in the drafting of the omnibus legislation, of the very useful suggestions made by the hon. member for Nickel Belt.

Regarding amendment number one, which is clause (b) of section 1 of the bill, it is really unnecessary to define employer. The employer is already defined in The Construction Safety Act and The Industrial Safety Act. We have specifically added in our proposed Act a reference to the manager as defined within The Mining Act in order to ensure that that individual with direct responsibility for a mining establishment will be included

in the responsibilities of these Acts. But "employer" is also defined in common law, and to encumber this Act with a whole series of words which do not necessarily mean anything specifically related to this Act, I think is also inappropriate at this time.

I don't have any question about accepting the health and safety representative definition, although in the amendment we are proposing for that specific section, I think the definition is clearly delineated so that there won't be any question about who the health and safety representative is as far as the Act is concerned. If the House feels it's necessary to include the definition of health and safety representative, I would only ask that they accept my suggestion that "a health and safety representative selected by the employees that he or she represents" would be a very good idea. I am not particularly enamoured of this definition, because I don't think it adds anything to the Act. If it's the wish of this House to add that specifically, then I would hope that the members of the House would also accept my amendment regarding the role of the safety and health representative as we have set it out in section 4, I believe it is. But I really feel very strongly that we do not at this time require the kinds of fairly extensive definitions which are set out in clause (h) regarding occupational health.

I agree with the goals. I agree that they are the goals to which we should be striving. But I would warn the House that at this time we do not have the mechanisms nor the sophisticated capability to do all of the things which are suggested here. This is the goal to which we are working. This is the philosophy of the ministry. Whether you have to have that philosophy defined specifically at the beginning of an Act is something which I question.

Mr. Warner: If I understand the process correctly, when we are working in the committee stage our essential goal is to try and create some good legislation. We are looking at the clauses, we are looking at the suggestions that are put forward and we are trying to work them the best way we can to end up with a good bill. I should say, by the way, that quite frankly I have found the committee work to be a little better outside of the chamber when it takes place in the committee rooms; somehow we don't end up in the same kind of divisions that appear to be developing here.

I take the minister's comment to mean that what is embodied in our proposal for clause (h) to be in general terms acceptable to her as goals and aims or objectives of what her ministry is trying to do and, in fact, what the ministry is presently working on for the omnibus bill, which I understand is to come forth in the spring some time. Or at least that is the target that you have set out for yourself. Then is it not reasonable to say that if you are not entirely satisfied with the way we have worded this particular section that you could come back at some point during our discussion of this bill with your own particular wording, your own suggestion, that also aims at the goals that are expressed here?

As far as I am concerned we have some particular goals. They have been expressed, and if we haven't expressed them entirely in the precise language that you would like to see, then I would be interested in seeing your suggestion and how you would like to see it work. Then perhaps we can end up incorporating what I think is a very important principle in that section into the bill now and perhaps in some way save you the difficulty of having to work it into your omnibus bill or perhaps strengthening what starts out here.

You mentioned earlier that this Bill 139 is a beginning, in some sense. It is a beginning to something. The omnibus bill I take it will follow up some of the things that we do in Bill 139. Does it make sense then to incorporate the essence of clause (h) in this bill now, and then follow it up in the omnibus bill that appears in the spring?

In conclusion I would ask the minister if she could consider taking the essence of clause (h), putting forward some of her own wording and let us have a look at it as we go through the committee stage. Perhaps we could stand down this section, if that is agreeable to the critics, and wait for the minister to come back with her own particular response. Let us take it from there, and see if we can develop this bill the way it should be done, without political divisions, and see if we can end up with a good piece of legislation for the workers in the province of Ontario.

Hon. B. Stephenson: In response to that suggestion I would have to say that although I would be very willing to attempt to spend some time to devise some delineation of the goal for occupational health I would have to say that it would probably take much more than the next 10 days to two weeks to do it in a way which is rational, which can be enforced and which can in fact be described accurately for the benefit of all

of the people who are going to be concerned with this bill.

For about five years all of those individuals concerned about health worked with the World Health Organization to define health for that organization. That was done approximately 12 years ago, and there still is no agreement that that goal is the proper one for that definition and that activity. What I am saying is that I really don't know how one could at this time say that we are going to, as a result of this specific Act—which has nothing to do with the placing of workers, with the maintenance of workers in an occupational environment adapted to their physiological and psychological condition. This simply does not apply to this interim bill. If indeed we can do something—if we can devise testing, if we can devise programmes which can reach these goals, and I am not at all sure that we are able to do that at this time, although that may be our ultimate goal.

[12:00]

It seems to me that it would be entirely inappropriate to include in this bill those sections to which they are not directly relevant. I believe they are reasonably relevant to the development of the omnibus bill, which I have said repeatedly will be developed in major consultation with the groups which are going to be affected by it.

I'm not simply talking about employers or employees, I am talking as well about health professionals of various kinds, industrial hygienists, occupational health nurses, physicians who have had some experience in this area, psychologists and all sorts of people. With their expert advice, I think we probably can develop for the omnibus bill this kind of definition which will be rational and which we can indeed live with—all of us. But I would urge you right now to consider holding the definition set out here until the omnibus bill is introduced, because we simply do not have the means and the mechanism, the technical expertise nor the professional expertise to accomplish all of them at this time. As I said, I really don't think they are relevant to this specific legislation.

Mr. Mancini: I would like to say again that we are still under the opinion that clause (h) and the definition are just not workable. We cannot accept them in their present form. I would like to say that we will be supporting clause (i) because we feel it's necessary. Just as a toss back to the member for Sudbury, who is very concerned about my experience, I've noticed in the House on many many occasions members of his particular party who have not worked in steel mills stand up to speak on labour legislation and labour matters.

Mr. Mackenzie: I am encouraged that the minister makes the point that this is the direction or one of the aims of her omnibus bill.

Mr. Mancini: Section 2 will tell you that.

Mr. Mackenzie: You see the merit, even though you may not agree with all the wording, and the direction we are trying to take. That's encouraging. What is not encouraging is to have members in this House refer to this kind of direction for the safety and health of workers as a pipe dream.

Mr. Mancini: On a point of order.

Mr. Chairman: There is no point of order.

Mr. Mackenzie: What I do want you to consider is that, as you said, it has taken five years—without reaching agreement—for the World Health Organization to define the word health. One of the things that sometimes forces some action and some agreement, if this is a sound direction—and we feel it is and that it should be in the bill—and one of the ways you get the expertise is by doing.

One of the things that has bothered us is the length of time it seems to take to make any positive moves in this whole field. It is a question of months and years. I am wondering how long we would be debating those same sections, even in the omnibus bill. I happen to feel that necessity sometimes means some pretty positive action.

If we now lack the expertise or the machinery, if we put that into legislation—and certainly there's agreement at least that it's the direction to go—then we'll get that kind of expertise. This is a crucial bill and it is before us now. I'm not sure what's going to happen over the next few months. I think there has to be some action in this particular session.

Mr. Sweeney: Mr. Chairman, I beg your indulgence for some direction. May I ask the member for Nickel Belt to classify something?

Mr. Chairman: Yes.

Mr. Sweeney: I haven't seen these amendments before. I believe I can understand what is intended by the first three parts of clause (h), but I must confess I am somewhat at a

loss to understand the long-range implication of the fourth sub-clause of clause (h). If the member could please explain whether or not he himself has thought through the long-range consequences and implications of it and if they are workable, I would appreciate that information because I can't quite fathom it myself.

Mr. Laughren: I don't see any separation in principle of sub-clause (iv) from the first three subclauses. It has just been broadened out a bit to include the physiological conditions. I might say that putting this kind of definition in the bill does not, as the minister implied, attach any encumbrance to the bill. It does not make the bill any less workable. It does not make any contraventions of the Act more difficult to deal with.

It is simply stating in the bill what occupational health means to those of us who made it law in the province of Ontario. I think that by adding subclause (iv), wherein we say that occupational health means placing and keeping workers under environmental and occupational conditions which are adapted to their particular psychological and physiological conditions, we are merely saying that should be one of the goals.

On the weekend I saw the Charlie Chaplin film called "Modern Times," I don't know whether or not other members have ever seen that but—

Mr. Drea: It was about your party. Your biography.

Mr. Davidson: And you were the star.

Mr. Laughren: —in the film, it was like subclause (iv), Mr. Chairman. The star, Charlie Chaplin, was having enormous difficulty on an assembly line. The workmen said the management kept speeding it up on them and, without exaggerating, there was nothing unsafe about the speeding up of the assembly line but it sure didn't do Charlie's psychological and physiological condition any good, I'll tell you. While that was a parody on it, nevertheless it spoke directly to the kind of conditions we're trying to delineate in subclause (iv).

Mr. Mancini: Who's going to enforce it?

Mr. Laughren: Mr. Chairman, there really is nothing in the remaining part of the bill that requires enforcement. What we are saying is let's establish the principle of occupational health. The minister agreed. The only part where we disagree, I think, is that she is saying, "We're going to have omnibus legislation. Let's not get into all that now. Let's wait and go through the consultant process and then we'll build these into the omnibus legislation." That's what I hear her saying. All we're saying is in view of the fact that this bill will be brought into the omnibus legislation anyway, let's get it in there now. You and I don't know what's going to happen between now and the time that legislation is before this chamber. There's a great deal of water to pass under the bridge before then.

For those reasons we have put things such as this in the bill not because it's going to necessarily—it won't make it any more difficult to administer. Putting in the goals of occupational health and what occupational health is all about has nothing to do with making the bill easy or hard to administer. It has nothing to do with the penalty section of the bill.

It's simply saying to the workers of this province and to the employers of this province—this is what we mean by occupational health. If they ask us what in the world are we trying to do down there in Queen's Park with all this publicity on occupational health, we'll say to them that's what we mean by occupational health in the province of Ontario. Let's make the work place a better place to live, a better place to work for the workers of Ontario. It's as simple as that.

Mr. Sweeney: If I could very briefly review it, it seems to me that clause (h), subclauses (i) to (iii), do fit, in some way, with the bill. I can follow that but subclause (iv) has a number of—what shall I say?—judgemental terms which leave it wide open to interpretation. That's my concern.

If I may explain—take the words placing workers; immediately I'm concerned about who is going to do this placing. I'm not saying that's necessarily the intent but that's one of the interpretations which comes out and it's fraught with danger. For example, I can see a centralized placement agency which would take an awful lot of freedom away from workers to decide for themselves where they want to work. That may not be the member's intent but that's one of the judgemental decisions which could be made there.

Take the word adapted. Adapted in what way? Does it have to be adapted every day, every hour, every month when someone feels it should be adapted? On a complex industrial site the kinds of adaptation which may be required over a short period of time may be totally impossible.

Take such words as the worker's psychological condition. Psychological condition at what point in time and based upon whose judgement?

Interjections.

An hon. member: The morning after.

Mr. Sweeney: I mean, let's really stretch it and say that a worker had a serious marital problem at home just before he left for work, and he comes in obviously very psychologically upset, extremely so.

Mr. Laughren: Traumatized even.

Mr. Sweeney: Yes, that could be. What do we do when he gets to work? How do we decide whether he's fit to work or not, and what adaptations do we have to make in the work place to enable it? It's for these kinds of reasons, Mr. Chairman, that I see subclause (iv) fraught with many dangers. It's for this reason, not for the intent that I think the member has, and a very valid intent, but the way in which it's worded here, the way in which this could be misinterpreted, the way in which it's almost impossible to apply is what would concern me. I would most certainly be open to discussing other ways of getting at the same thing, but I certainly think it would be dangerous to take this subclause (iv) the way it is now with that wide range of misinterpretation open. I just don't think that's good legislation to write in something that is going to be so impossible of application. I guess maybe that's all I can say.

Hon. B. Stephenson: The intent of legislation, as I understand it, is to provide a framework within which the people of this province can function in order to ensure that the laws of the province are maintained and that their well-being is protected. The purpose of this piece of legislation is to ensure that certain actions will be taken at this time to provide for a greater input from each and every individual worker in this province into the development of programmes of occupational health and safety, and a measure of exercise of judgement on behalf of each of those workers to ensure that he or she makes rational decisions regarding their own work place and that their rights are protected in this area.

The hon. member for Kitchener-Wilmot has raised a very interesting point related to clause (h) (iv). Exactly the same point may be raised with clause (h) (i), because who, for example, is the individual who is to make the judgement about what the highest degree of mental and social well-being of each worker is outside of the worker?

These are laudatory goals. They are goals that we should all be looking at with a great deal of concern and the hope of establishing that kind of programme, but it seems to me that the addition of this kind of definition, if you like, or broad outline, or view of the goals which we should all have in this area is not appropriate at this time in this piece of legislation.

I say to you, Mr. Chairman, that I really have concerns about the necessity of including clause (b) as it is modified or proposed to be modified by the official opposition. It is not necessary. Those definitions are already present in law and it is unnecessary to encumber this bill with excessive wordiness.

I say to you that clause (h) is inappropriate at this time because it does not relate directly to the purpose of the bill which is being presented but is something which I shall look at with great interest and with gratitude in the development of the omnibus legislation. I say to you as well that clause (i) is, again, unnecessary because that is defined in other parts of the Act.

I really don't think that we should enact legislation which is so burdened with excessive verbiage that no one really is going to pay any attention to definitions. I think it's important that we get on with this business right now and do away with this long drawn-out discussion of specific added sections which would be much more appropriately discussed in the consultation process in the development of the omnibus legislation which has already begun.

Mr. Haggerty: Mr. Chairman, I want to speak on the proposed amendments of clause (h) and subclause (iv), I guess it is, on the psychological effect on employees. The member for Nickel Belt is concerned about this problem, and it pretty well gives it to you in detail in the report of the royal commission on the health and safety of workers in mines on page 251. Perhaps this is what he's concerned about. It says:

[12:15]

"Within the province responsibility for the health and safety of workers is divided between The Mining Act, The Industrial Safety Act, The Construction Safety Act, and certain other pieces of legislation. In each of the foregoing major Acts responsibility for compliance is placed upon the employer, whose operations are subject to inspection by government inspectors. The administration of The Mining Act (part IX) by the Ministry of

Natural Resources and the mines engineering branch"—and he goes on to say that the Ministry of Labour administers The Industrial Safety Act and The Construction Safety Act.

On page 252 he says: "In the commission's view the existing occupational health protection branch in the Ministry of Health has conducted critically important studies with inadequate resources and has been forced to work in a crisis-to-crisis atmosphere which is not conducive to the development of public understanding of the complexities of occupational health and safety. The commission believes that the priority given to the branch reflects the absence of a legal mandate as well the massive preoccupation of the provincial health care system with disease and diagnosis . . ."

"Few mining companies provide their workers with the services of a resident or consulting physician experienced in occupational medicine, and in the industry there are a few active specialists in industrial hygene."

I think that's what the member for Nickel Belt is trying to get through in this amendment. I think the amendment perhaps is premature. The minister has indicated that there is an omnibus bill that will follow this. To continue quoting the report on the health and safety of workers in mines, on page 254, I think this is what the minister is trying to get at: "That a Health and Safety in Mines and Plants Act, separate from The Mining Act, be prepared to replace part IX and the relevant sections of part XI of The Mining Act and be administered within an Occupational Health and Safety Authority established in the Ministry of Labour."

I think that's the point that the minister is trying to convey to all of us here, and I would have to agree with her that the omnibus bill will go into more detail, giving a better understanding of the rights of employees in the industry in Ontario.

I cannot support the amendment regarding clause (h)(iv), I believe it is. I think the omnibus bill will cover this in more detail, and it is perhaps going to be the governing factor in occupational health for every employee in Ontario.

The key thing is that this bill here gets the show on the road, gives each employee the right to have input in safety matters concerning any industry in Ontario. I believe this is the first bill. The second bill will come back a lot sooner than has been predicted here, and I hope it will be one of the first pieces of legislation in the new session of Parliament.

It is the key, I think, to the matter concerning a number of employees in Ontario. It's going to give improvement in occupational health and safety, and improved hygienic conditions in every place of employment in Ontario. I don't like to see the filibustering of this particular bill—perhaps I shouldn't say that—but I think we should get on with it, and amendments can follow after this bill is passed in the Ontario Legislature. I think we should get on with it now.

Mr. Chairman: Ready for the question?

All those in favour of Mr. Laughren's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Can we stack this one?

Mr. Laughren: Stack, please.

Mr. Chairman: Stack.

On section 2 of the bill, I understand there is a further amendment.

On section 2:

Mr. Chairman: Mr. Laughren moves that section 2 of the bill be struck out and the following substituted therefor:

"Where an employee in a work place has reasonable cause to believe that a machine, device or thing is unsafe for him to use or operate, or may cause a hazard for another employee, or a place in or about a work place is unsafe for him to work in, or a place where hazardous emissions are above the allowable standards or a work practice may cause his work to be unsafe, or the machine, device, thing or place is in contravention of The Industrial Safety Act, 1971, The Construction Safety Act, 1973, or part IX of The Mining Act, or any regulations thereunder as the case may be, the employee may refuse to use or operate the machine, device or thing or work in the place."

Mr. Laughren: This is one of the two sections of the bill about which we feel so very strongly. We find it unthinkable that a government would bring in a piece of legislation like this, in which it gives the worker the right to say "That place of work is unsafe for me," without building into the section of the bill as well the right, indeed, the obligation to say, "If that place of work is unsafe for my fellow employee I also must have the right to refuse to work under those conditions."

It is unthinkable that an employee would be allowed to say "I shall not work because it will hurt me, but if it hurts a fellow employee I do not have the right to refuse to

work." There are many examples which could be used to bolster the argument.

I attended the same meeting my colleague from Sudbury was talking about with the Falconbridge workers and an inspector from the Ministry of Natural Resources. The workers were describing problems of working with blast furnaces and how the blast furnaces were inadequately protected by fire jackets or boiler jackets, as they call them.

It seems to me that if the workers who are directly involved with that blast furnace see that it is not safe and that if it blew up it would hurt not just those people around them but people in the whole area, the immediate vicinity and even beyond the immediate vicinity, they would have an obligation to say, "That is an unsafe practice." If a worker is operating a machine at point A and 50 feet, 100 feet or 200 feet down the plant there is an emission coming out of the machine which the worker is operating at point A, that worker should also have an obligation, not just a privilege, to say, "I will not operate this machine because of what it is doing to my brother down the line."

Surely that is something which is terribly important. The minister, having gone so far as to say it is the right of workers to refuse to work under unsafe conditions, should take that one extra step and say that of course it includes dangerous conditions for a fellow employee as well.

By the way, in there we have added the term work practice because we felt it goes beyond a work condition. One of the things which triggered our putting in the term work practice was the construction pushers we heard about during the submission part of the bill when it was in committee. This is when a construction employee pushes the other construction workers on the job. We feel that is or certainly could be an unsafe work practice and we wish to implement it in the bill—that it is considered a work practice which could be dangerous to a fellow employee.

I do not think the argument should be used that something like this could be built into the omnibus legislation. It's a particular section of a bill. It's one of the key principles of the whole bill and we are not saying change the principle of the bill but add to it the protection of fellow employees.

While I am on my feet, I must say I resent the inference of the minister that because we bring in some amendments to a bill to improve it in the way we think it should be improved—we don't expect the minister to agree with them all—we are somehow delaying the legislative process and endangering the possibility of having this legislation passed. It is grossly unfair to impute that motive to us.

Hon. B. Stephenson: You said it.

Mr. Laughren: No, the minister said it as well. This morning the minister said that.

Mr. McClellan: Look at the tape.

Mr. Laughren: That is not our intention. We have waited a long time for this legislation. We want this legislation through in the next day or so and we will do everything we can to ensure that it is passed in this session.

Mr. Sweeney: Mr. Chairman, as I asked you the last time, I'd like the opportunity to get clarification from the member who has just spoken. I can certainly see the sense of not asking one worker to do something which is going to cause injury to another worker but, if I understand it correctly, the way the amendment reads, could it not also be interpreted to mean that if you are at a safe work place and a fellow worker, as you say, a couple of hundred yards down the line is at an unsafe work place you would have the right of not working because his working condition is unsafe? I'm just asking if you won't reread what I thought I heard you say. That's the way it could be interpreted to me and I don't think that's your intent.

Mr. Laughren: May I respond to that, Mr. Chairman? That's certainly not our intention and it's not in our amendment. It says, "that is unsafe for him to use or operate or may cause a hazard for another employee." If you start making a judgement on some other employee's work place, it's a judgement of what he or she is doing that would affect the work place of a fellow employee. There's a big difference, and the words "may cause a hazard" are the key to understanding the point raised by the member for Kitchener-Wilmot.

Mr. McClellan: I think the argument around the protection of fellow employees from harm that a worker might cause to them has been well explained by the member for Nickel Belt. I wanted just to stress again the remarks that he made around the rationale for inclusion of the phrase "work practice." I've talked on a couple of occasions about pushers in the construction industry and I don't want to go into the details again. It is my very strong opinion that the existing legislation does not give construction workers adequate redress against the actions of pushers on construction sites. That there are a number of ways and means that construction em-

ployers have had traditionally to deal with employees who are attempting to assert their rights under The Construction Safety Act, and we heard very clearly during the hearings that one of those is simply reassignment to a job which is of a one-day duration and then the employee is terminated. So, of course, no employees are fired by virtue of claiming their rights under The Construction Safety Act to refuse to work in unsafe conditions.

The only redress that we can see is in a very tough right to refuse to work and we think that this bill can provide it. I think it's important that that particular phenomenon be covered in this bill, even though you may argue that The Construction Safety Act prohibits the enforcement by management of unsafe work operations.

There isn't sufficient redress in that bill. I don't think that every single contingency can be covered specifically, although the attempt has to be made and the attempt has been made in The Construction Safety Act with I think 325 specific safe work requirements through the legislation.

Nevertheless, we know there are still problems in enforcement and more importantly problems in workers securing their rights to safety in construction. I feel that it has to do with the structure of the construction industry on the job site and of the practice of using pushers to drive people to ever increasing heights of productivity regardless of the consequences in terms of health and safety.

For this reason we have included the phrase "work practice." It simply gives an additional redress to construction workers to refuse to work in situations where they are being driven and harried and harassed to perform their work duties unsafely, and I would hope that the minister would accept our amendment in the spirit it is offered.

[12:30]

Hon. B. Stephenson: The purpose of this section of the bill is to provide each individual worker the opportunity to exercise his or her individual judgement about the place in which he or she works, related directly to the kind of work which that individual does. If a task being undertaken by a worker were obviously unsafe for other workers, then in the judgement of that worker he has a responsibility to refuse to do it or to carry it out. I do not believe that that specific extrapolation of the statement needs to be made in this Act because I believe all workers are sufficiently concerned about their fellow workers to use and exercise their judgement responsibly.

I have some suspicion that such expansion would provide the legal beagles who might be examining this Act with a field day in terms of the kinds of arguments they might devise in order to oppose certain activities on behalf of certain workers. I would think it would be much wiser to leave section 2 exactly as it is at this time. If it is found in the short period of time in which this interim bill will be functioning not to cover all the matters and all the exigencies it should cover, then of course this bill is not etched in stone. That modification can be made at the time the omnibus bill is introduced, but I think it would be much more rational to leave it in this form at this time and proceed in that direction.

Mr. Laughren: For that very argument, I would use the argument the other way, that because this is interim legislation it will be welded in with the omnibus legislation and therefore it's an ideal opportunity to accept this amendment. Believe me, I would be the last one to encourage any more field days for the legal profession. I think they have a perpetual field day. I would do nothing that I thought would increase the possibility of that.

Mr. Breithaupt: There is no question about that at all.

Mr. Laughren: I am glad the member for Kitchener agrees with me. I think it's an ideal opportunity to accept the amendment. If there is a problem with it, by the time the omnibus legislation is being dealt with we will know about it. I can hear the arguments now. When we get to the omnibus legislation, the argument will be this isn't some kind of individual bill we are dealing with any more. This is the legislation we are going to have to live with in the province of Ontario. You won't be willing to accept an amendment such as this at that time.

I would suggest that this amendment be accepted. I don't think that it's contrary to the spirit of the bill. I believe the minister means it when she says that the employees have a sense of responsibility to fellow workers, which implies that they would refuse to work anyway. All I am suggesting is, let's not leave that open to debate because I can hear the legal beagles already making a decision without this amendment being added to the bill. For those reasons, I would urge this assembly to accept the amendment. I think it's a reasonable amendment. I don't think it does anything that is contrary to the principle of the bill and to the minister's comments.

Mr. Mackenzie: This is one of the two most important sections of the bill as far as we are concerned. I think it's just as ludicrous to argue that we will protect the worker's right to refuse that job and not at the same time and in the same bill protect his right to refuse to do a job if it does mean a danger to one of his fellow employees. I would hate to leave that up to a judgement, particularly if it ever got in the hands of lawyers, and I don't think that's the intent. It's a problem enough if you have to go through an arbitration case with it.

The minister knows, if I can use an example, that we are this coming week dealing with the fourth and final step of a particular grievance at Stelco with the crane operation, which I have raised in this House. I would point out that some of the new heavy cranes now are pretty well bounce-free and it might very well be argued that there was no hazard to the employee operating that crane if a load should drop. But, let me tell you, if there are defective claws on that crane and he knows the dropping of that load could kill some employees down below, then I would sure like to see him have the protection in this particular bill. I think it's essential that that amendment be in this particular clause of the bill.

Mr. Sweeney: Mr. Chairman, through you to the minister and indirectly to the member who is proposing the amendment—

Mr. Drea: Don't you ever get bored?

Mr. Sweeney: Madam Minister, would it make a difference to you, in terms of the argument you just gave, if the word "may" were replaced with "will"? It seems to be much stronger there, and I am not sure if I completely followed your argument before. Would that make a difference? That is simply a matter of question.

Hon. B. Stephenson: There are a number of problems with the amendment as proposed by the hon. member for Nickel Belt. Substituting "will" for "may" is not a solution, if I may say, because indeed "will" simply ensures the worker must make a decision about the relationship between his actions and the health and safety of other workers. That may, in fact, be imposing a responsibility which the worker is at this time either not willing to accept or perhaps even incapable of accepting. It is possible if it were written in this way that indeed an individual worker who did not do this could be charged under this Act, and I have some concern that this might happen.

In addition to that there are other factors within this section which I find troublesome at this time. There are allowable standards for a number of potentially toxic materials, but not all of them have been defined at this time, and not all of them do have standards set for them. To say that where hazardous emissions are above the allowable standards I guess would limit it to those which we have standards for at this time and may have in the future, but we don't know that that is going to happen.

"Hazardous" is a word which is difficult to define. It could mean almost anything in terms of the potential effect on a human being. There are also some difficulties with the words "work practice" and "may cause" because I think that introduces a possibility which may not in fact be reasonable. These kinds of loose definitions, I am afraid, are those which could cause potential trouble with the application of the purpose of this section during the interim period in which this Act is due to function. It would be much better to see whether, in fact, this is adequate and whether we need to move further than to say we must go that far and then have to move back again. It would be better, I think, to be perhaps caught on the horns of the dilemma of omission rather than commission which is proved to be wrong in the factual instance of making the legislation apply.

Mr. Laughren: If I may, Mr. Chairman, just very briefly. It is inconsistent for the minister to argue that one moment we have excess verbiage in our amendment and the next to complain because we have left the definitions too loose. I see no problem at all with—

Hon. B. Stephenson: No, the word is difficult to define.

Mr. Laughren: —the point that the minister raised about standards. Surely that is covered already, because we have already placed the whole matter in the judgement of the employee? That has already been established in principle. It is the judgement of the employee. That is what caused a lot of those groups that came before the committee to be so upset; the thought that we as legislators would give employees in the province of Ontario credit for having good judgement, and for not worrying too much about the possibility of abuses to the bill. I would suggest that there is no problem, that the opportunity for abuse or the possibility of abuse is too narrow that we should not concern ourselves with it.

Mr. Sweeney: Mr. Chairman, I would like to direct the minister's attention to just one sentence in the submission of the Ontario Federation of Labour. This is why I asked the question about changing "may" to "will". The sentence reads: "Where an employee has reasonable grounds to believe that the unsafe conditions will cause injury to another employee, the employee must have the right to refuse to continue to work until the hazard is removed." Madam Minister, I am just asking, for further clarification, what can an employee do in a situation like that when he, in fact, is doing something he has reasonable cause to believe will cause harm to someone else? Can you show me some place in this bill where he has the right to refuse to do that? If you can, then I can support you; but if you can't, I think something has to be put in somewhere to give that right. It does seem like a valid point to me and I can't see where the bill covers it. If you can I'd appreciate knowing it.

Hon. B. Stephenson: Mr. Chairman, it is not specifically included in the Act as it is at the present time. It was my strong feeling that the right to refuse to do unsafe work has already been enshrined in The Industrial Safety Act and in The Construction Safety Act. I can read the section of The Construction Safety Act—it's on page 13, section 18(3)—"No workman shall conduct himself so that he is likely to endanger himself or other persons."

It seemed to me that this was already covered in The Industrial Safety Act and The Construction Safety Act—

Mr. Laughren: What about The Mining Act?

Hon. B. Stephenson: The Mining Act? The introduction of this specific section was to ensure that the same kind of right would be extended to workers within The Mining Act. Because the Barrett committee is presently examining all sections of part IX of The Mining Act and is coming forward with recommendations which will be included in the omnibus bill but has not yet completed its deliberations, we felt this was a good step forward for those workers in mines. The responsibility not to do things unsafe for other workers is presently enshrined in The Construction Safety Act and The Industrial Safety Act.

Mr. Laughren: But not the mines.

Hon. B. Stephenson: I am sure the recommendations to The Mining Act will include some area of this sort.

Mr. Laughren: You don't know that.

Mr. Davidson: You can't guarantee that.

Hon. B. Stephenson: No, I don't know that as a matter of fact at this time, but we felt that the workers in mines should have the right now to refuse to do work which is unsafe for them. Knowing the spirit within most mines, which is very good, those workers would, if they felt it to be unsafe for themselves, refuse to do work which they felt was unsafe for themselves and for their fellow workers.

Mr. McClellan: Put it in the bill.

Hon. B. Stephenson: I would ensure that the concerns expressed within this proposed amendment will be examined very carefully when we are introducing the omnibus legislation specifically related to mines. I know that this is one area which has been examined carefully by the Barrett committee but we have not yet had its recommendations. As the members of this House know, that committee is made up of half employers and half employees within the mining area. I am sure they will have considered this kind of activity very carefully.

I do believe that we should receive the benefit of their long deliberations about the problems related to mines specifically. Therefore I would hope that the members of the House would accept section 2 as it is presently written, knowing that under The Industrial Safety Act and The Construction Safety Act the worker is specifically precluded from functioning in an area in which he is going to harm a fellow worker.

Mr. Mackenzie: Why not extend it?

Hon. B. Stephenson: In The Mining Act, we will look after this section when the Barrett committee report is received so that we can include it in the omnibus legislation.

Mr. Mackenzie: You give no reason for not doing it now.

Hon. B. Stephenson: I don't know what their recommendation is.

Mr. Sweeney: Mr. Chairman, through you to the minister; I noted that the section referred to does cover what I'm concerned about. I also noticed that immediately following is the word "new," which implies this is something which has been very recently introduced.

Hon. B. Stephenson: In 1973.

Mr. Sweeney: I am thinking in terms of recent referring to the printing of this Act. It wasn't something that's been in for a long time; it's a new amendment.

At that particular point in time your ministry—for which you were not responsible at that time—surely the ministry as it existed felt that that had to be put in? There was some new way of viewing the situation if that kind of wording needed to be put in. If that were the case, and I understand from what you said it's also in The Industrial Safety Act, although I don't know where, how can you feel that it should be in here too? It seems to be inconsistent. I hope I'm not repeating the situation but I think it needs to be done.

[12:45]

Hon. B. Stephenson: Mr. Chairman, it was felt that because it was included already in The Construction Safety Act—and that Act still applies in spite of this, as you very well know—the responsibilities of employers and employees in construction safety and industrial safety are not in anyway diluted by the passage of this Act. All we're doing really is strengthening certain areas, particularly the right of the employee to refuse without concern for loss of his job or loss of his status within his place of employment.

My specific concern about including it here means that it would apply really only to those people who come under The Mining Act, and what I'm trying to tell you is that the employers and the employees in the area of mine safety have been involved for nine months now in a very careful deliberation of all the necessary modifications to The Mine Safety Act which should be included in a revision of that Act, which of course will now be indeed the omnibus health and safety legislation.

I would like to have the benefit of the deliberations which that very-well-informed committee has been carrying out before we expand anything further for mine safety at this point. Giving the individual worker the responsibility and the right to refuse, it seems to me, is an important and initial first step for mine safety. We don't have to worry about the other areas because indeed it's already there. I do think we should hear what the Barrett committee has to say in order to include its deliberations as the expanded section in the omnibus health and safety Act.

Mr. Laughren: Mr. Chairman, if I could respond. On the basis of the very arguments that the minister uses, I would ask that other members in the chamber think about this matter for a moment. Right now, under The Construction Safety Act and Industrial Safety Act, all those workers are covered. They can refuse to work if working will endanger another employee. Workers in the mines, where we've had probably the most problems in the province of Ontario, are not covered.

For the minister to stand in her place and say that the Barrett committee is now studying The Mining Act and may very well bring in that recommendation is—and I'll choose my words carefully here—if all that is meant to imply that that means the legislation will be changed, you know full well that the Barrett committee will merely make recommendations to the ministry. The Barrett committee is not writing legislation. They are a joint committee of management and labour studying The Mining Act. They will make recommendations for revisions of The Mining Act. There is nothing in their mandate that says they can change legislation, and for us to leave the miners of Ontario out from under the protection that other workers already enjoy is totally unacceptable to us.

Mr. Sweeney: Madam Minister, I understood one of the main thrusts of this new legislation, and one which we strongly support, is to begin to draw together a lot of loose ends. Somewhere in the legislation it says certain sections of The Mining Act and certain sections from the Ministry of Health are now going to come under your ministry. We applaud that. In that spirit, can we not also say that if The Construction Safety Act protects a group of workers in a way, The Industrial Safety Act protects another group of workers in a way in which we're discussing here, that in the spirit of this new legislation, we should not also protect the people in the mining industry in the same way?

I fail to see how we can argue not to do that. If we believe it is important here and it's important there, and we're trying to consolidate, trying to pull together, how can we justify leaving out one group?

Hon. B. Stephenson: We are not leaving one group out.

Mr. Sweeney: I'm sorry, Mr. Chairman, it seems to go against the very spirit of the legislation. That's what I'm trying to argue for. If I'm misunderstanding it, I would appreciate your understanding.

Hon. B. Stephenson: Mr. Chairman, I didn't think we were leaving one group out at all. I am not sure about the content of part IX of The Mining Act. I do not know whether that kind of section is in that Act or not. I would have to ask those who are expert. That is

why I have been hopefully awaiting the report of the Barrett committee because I felt they were the experts in this field who could give us the kind of information which was necessary.

I must tell you I have less concern with that specific phrase, "may cause a hazard for another employee," except for the word "hazard", than I have about the section that has been added later on, which at this time is one which we cannot really include in this Act. If it is indeed felt strongly that we must include for the workers in mines a phrase similar to that which is within The Construction Safety Act which makes the workman responsible—in fact, he can be charged if he conducts himself in such a way that he is likely to endanger another person or himself—then I would be very willing to add that kind of section.

I am not sure the wording of this amendment as presently before us accomplishes that in the same way that it does within The Industrial Safety Act.

Mr. Germa: Why do you hate miners?

Mr. Laughren: Question.

Mr. Chairman: There seems to be no more discussion on it. I hesitate to put the question unless the House wants to divide. If I put the question and the House divides, it means you have to resolve it.

[1:00]

There seems to be some agreement and a wish by the committee that clause (i) of Mr. Laughren's amendment to section 1 be put by the Chair separately from the main amendment. With that consensus, I will do so now.

Mr. Laughren moved that section 1 be amended by adding thereto the following clause: "(i) 'Health and safety representative' means health and safety representative selected by employees he represents."

Motion agreed to.

The committee divided on Mr. Laughren's further amendment to section 1, which was negatived on the following vote:

Ayes 20; nays 46.

Section 1, as amended, agreed to.

Mr. Chairman: Before I put Mr. Laughren's amendment to section 2, I understand there is some consensus that if the amendment is defeated, it won't carry this section because I understand the minister is prepared to bring in an amendment to section 2. Normally, if I put the amendment and the amendment is lost, it carries this section. Do I have general agreement from the committee?

Some hon. members: Agreed.

Mr. Chairman: It is agreed.

The committee divided on Mr. Laughren's amendment to section 2, which was negatived on the same vote.

Mr. Chairman: It is understood that the section does not carry.

On motion by Hon. Mr. Welch, the committee of the whole House reported progress.

Hon. Mr. Welch: Mr. Speaker, before moving the adjournment of the House, may I indicate that on Monday we will be back in committee of the whole House to continue our consideration of this and other legislation in committee. There will of course, be the private members' hour on Monday afternoon between 5 and 6. For the information of members in organizing their time next week, the House will sit Monday evening, Tuesday evening and Thursday evening next week. So we'll have three evenings next week, rather than the usual two.

On motion by Hon. Mr. Welch, the House adjourned at 1:08 p.m.

APPENDIX

(See page 5599)

Answers to questions taken as notice were tabled as follows:

127. Mr. Wildman—Inquiry of the ministry: Would the Minister of Transportation and Communications explain: 1. The nature of the work being carried on by the Urban Transportation Development Corporation for the Swiss government? 2. The length of time the UTDC has been working on the project and its probable duration?

Answer by the Minister of Transportation and Communications (Mr. Snow):

There is no work being carried on by the Urban Transportation Development Corporation for the Swiss government. At the present time, a production and design contract exists (for the Canadian light rail vehicle design and the manufacture of parts for 10 prototypes) with the Swiss Industrial Company, a company with long experience in light rail transit. The contract was entered into in August, 1975 and will end December 31, 1977.

128. Mr. Wildman—Inquiry of the ministry: Would the Minister of Transportation and Communications supply: 1. The number of people employed by the Urban Transportation Development Corporation who travel on a regular basis from Toronto to Switzerland and back? 2. The number of non-stop flights and flights which entail stop-overs taken by these people in travelling to and from Switzerland? 3. The names of the air carriers used in these flights?

Answer by the Minister of Transportation and Communications:

UTDC have approximately six regular travellers between Toronto and Switzerland. As of mid-April, approximately 90 per cent of all flights are non-stop. The air carriers used for flights are Air Canada and Swissair.

129. Mr. Wildman—Inquiry of the ministry: Would the Minister of Transportation and Communications supply: 1. The names of the carriers transporting air freight to Switzerland for the Urban Transportation Development Corporation? 2. The proportion of total freight shipped to Switzerland by the UTDC which is carried by air freight? 3. The cost of transporting air freight to Switzerland for the UTDC.

Answer by the Minister of Transportation and Communications:

UTDC uses Swissair for its air freight for the following reasons:

All of the freight sent from UTDC to Switzerland is directed to our contractor on the light rail vehicle, the Swiss Industrial Company. This company has regular pick-up arrangements with Swissair which provides better delivery service; hence, UTDC uses Swissair for freight shipments.

Freight to date has amounted to approximately $7,000, all of which has been sent by Swissair.

130. Mr. Wildman—Inquiry of the ministry: Would the ministry explain whether or not employees of the Ontario government and Crown corporations are required to use Canadian air carriers whenever and wherever possible rather than competing foreign carriers?

Answer by the Chairman, Management Board of Cabinet (Mr. Auld):

There is no specific policy requiring employees of the government and Crown corporations to use Canadian air carriers since the vast majority of air travel takes place within Ontario on routes where there are no competing foreign carriers. In all cases where Canadian firms are providing a comparative service, the policy on Canadian preference would apply. This requires that Canadian suppliers of goods and services receive preference over foreign suppliers and further provides that a price preference of up to 10 per cent may be allowed in respect of the Canadian content of goods and services.

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Legislature of Ontario Debates

No. 136



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Third Session of the 30th Parliament

Monday, December 13, 1976

Afternoon Session

Speaker: Honourable Russell Daniel Rowe
Clerk: Roderick Lewis, QC

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LEGISLATURE OF ONTARIO

MONDAY, DECEMBER 13, 1976

The House met at 2 p.m.

Prayers.

POINT OF PRIVILEGE

Mr. Germa: I rise on a point of privilege, Mr. Speaker. Despite the issuance of your warrant on Thursday last, it is my feeling that the rights and privileges of every member of this Legislature have been very seriously eroded in that the interim injunction was granted to the Ontario Medical Association in an effort to restrain the Ministry of Health and the general manager of OHIP from supplying the public accounts committee with certain information it had requested.

I bring this to your attention so that you might contemplate what your office can do to grant the power that a Speaker's warrant should have, and which we presumed it did have, to protect the rights and privileges of the entire Legislature in seeking and having information which is required in order to do its job.

Mr. Renwick: If I may comment on the same point of privilege: In view of the imminent prorogation of the session of the assembly and therefore the disruption of its work caused by the granting of that interim injunction this morning, would you take into account what steps it is possible for this assembly to take in order that its work will be completed by the time at which the prorogation is scheduled to take place?

Mr. Nixon: Mr. Speaker, before you respond to the point of privilege, it might be worthwhile if the chief law officer of the Crown, the Attorney General, would be prepared to give his views to the House in this connection. Since we have a Speaker's warrant for the production of this information balanced at the present time by an interim injunction of the court of appeal, it might well be that the only quick course of action would be for this House to pass legislation making that information readily available to the public accounts committee before prorogation, perhaps later this week.

I think perhaps the Attorney General might give us the benefit of his views in connection with the problem that faces us all and particularly you, Mr. Speaker.

Mr. Speaker: Are there any comments from the Attorney General?

Hon. Mr. McMurtry: Yes, Mr. Speaker. I share the concern that has been expressed by the members of the Legislature in relation to the Speaker's warrant that has been issued. The matter is presently before the courts, of course, as has been stated, and the court of appeal has indicated its intention to hear the matter on Wednesday afternoon.

As I understand it, the argument put forward by the Ontario Medical Association is firstly—in very general terms—that there is a conflict between The Legislative Assembly Act and The Health Insurance Act. In our view there is no such conflict.

Secondly, even if there were conflict, it's my respectful view that The Legislative Assembly Act would prevail.

Thirdly, it is open to this House, I think, to pass legislation to clarify the matter if that is the wisdom of the House. In many respects, I can say, as the senior officer of the Crown I'm very much in the hands of the House as a whole, because I think this is a matter which should be of considerable concern to each and every member of the legislative assembly.

With respect to the standing committee, I suppose—I certainly am not an authority in this area—it may be that the House could create it as a select committee so that its work can continue after the House prorogues at the end of the week, if that's what's going to happen. I think at this time, pending the decision of the court of appeal, that taking any specific action this afternoon might be premature because we are confident that the court of appeal will, in effect, adopt the position put forward by counsel representing the Ministry of the Attorney General—namely, that the Speaker's warrant is valid and that the documents should be produced.

Mr. Speaker: I thank all the hon. members for their comments. It is rather a new turn of events. The warrant was issued on Thurs-

day. On Friday there was an application for an injunction, as I understand it, which was denied and now that decision of that judge is being appealed. I presume that is in order, and it's on Wednesday, I understand, that they make the final decision.

I shall seek further advice but at the moment it seems that unless the members decide to introduce legislation—maybe that's the answer; maybe it isn't but we'll have to take it under advisement.

Statements by the ministry.

UNIFIED FAMILY COURT

Hon. Mr. McMurtry: Mr. Speaker, I have previously mentioned that the federal Minister of Justice and I have agreed on the establishment of a unified family court project in the city of Hamilton for a period of three years beginning in 1977. Later on this afternoon I will be introducing The Unified Family Court Act. This bill will establish the new unified family court in Hamilton and endow it with comprehensive family law jurisdiction.

The unified family court results from a provincial initiative taken some time ago which also involved a series of negotiations with the federal government. The negotiations with the federal government have been long and protracted because of the rather difficult jurisdictional and constitutional issues involved in any major restructuring of the courts.

We initially asked the federal government to amend The Divorce Act so that divorce jurisdiction could be conferred upon judges of our provincial court, family division. The federal government refused to adopt that approach and we therefore then discussed the approach of dual appointment whereby a federal appointment as a county judge would be conferred upon a judge of our existing family court so that the judge would hold a dual appointment—one from the federal government and one from Ontario.

Although there are precedents for dual appointments, the federal government again refused to adopt the approach we suggested. In order to cut through the legalistic red tape involved in the appointment issue, I met personally with the federal Minister of Justice and reached an agreement with respect to the appointment of unified family court judges. The judges will be selected by the federal government from the existing judges of our provincial court, family division. The judges will resign from the provincial family court bench before receiving their appointments from the federal government.

The Unified Family Court Act will confer upon the federally-appointed judge all the jurisdiction of the judges of our family courts. Thus the federal objection to dual appointments will be overcome and the judges of the court will exercise the fullest possible jurisdiction from each source of appointment. The selection of the three individual judges will be a matter for the federal government under the normal system of appointing county judges.

Under the agreement with the federal government there is no dual appointment and the choice of the three members of the court rests entirely with the federal government according to the normal procedure for appointing county court judges, upon the understanding, I stress, that they will be chosen from among the judges of our present provincial court. We have agreed to the approach on the clear understanding that we are not compromising our original position with respect to provincial appointments when the day comes for considering a province-wide expansion of the court.

I cannot leave the topic of the federal-provincial understanding without expressing my gratitude to the federal Minister of Justice for his co-operative and practical approach to this whole issue. The development of this unified family court project is a good example of the kind of positive co-operation that is possible when a provincial and federal minister both are prepared to cut through legalistic red tape in order to achieve court reform.

In the result, we will have united in one person the authority to exercise the jurisdiction of the provincial, county and Supreme Courts in family law matters. For the first time it will be possible for one judge in one court to deal with all of the issues in a family law dispute, whether they be questions of property, support or custody of children.

The court will have jurisdiction to try divorce and nullity cases, applications relating to property, support and the matrimonial home under the new Family Law Reform Act, proceedings for protection, adoption, cutody and guardianship of children and charges against minors under The Juvenile Delinquents Act. It will also be able to try cases within the jurisdiction of a magistrate under the Criminal Code so that charges such as assault of a spouse and failing to provide necessaries of life to family members

can be tried either in this court or in the regular criminal courts, depending on the circumstances.

The statute is designed to establish a new court for a period of three years and will be effective only in the judicial district of Hamilton-Wentworth. Nevertheless, if the project proves itself a success, as I am confident it will, it will be a relatively simple matter to amend the statute so as to make it applicable across the province.

This bill is an important step forward in the rationalization of the court system as it relates to family disputes. We believe the answer to the problem of fragmentation of jurisdiction is the unification of that jurisdiction in a court operating functionally at the level of the provincial court, and that is what we have attempted to do in this statute.

The provincial court, family division, is generally recognized as being the court which most people think of when they think of a family court. It is the court which is most accessible to members of the general public and it is the court whose informality of procedures and ready accessibility to support services are most appropriate to the resolution of family disputes.

I sincerely hope that as the project proceeds the federal government will become convinced of the correctness of our approach and that we will have its co-operation in extending some form of the unified family court at the end of the demonstration project to the other judicial districts of the province at the level of the provincial court, family division.

[2:15]

Mr. Speaker: Oral questions.

LUNG CANCER COMPENSATION CLAIMS

Mr. Deans: I have a question of the Minister of Labour: Given that there is now mounting and somewhat frightening evidence of a link between workers in coke ovens and cancer, will the minister take on the responsibility, that previously appears to have been shunted off to the unions and to private individuals, to seek out those people who have been employed in coke ovens and to find out the relationship between their deaths or their suffering—for those who may still be alive—and the employment they previously had; and direct the Workmen's Compensation Board to act swiftly to compensate them for the losses they are suffering?

Hon. B. Stephenson: Mr. Speaker, there has been a major study done by two qualified researchers, Dr. Redmond and Dr. Lloyd in the United States and in Great Britain, involving 25,000 steel workers, of whom approximately 4,000 worked in relationship to the coke ovens. There have been certain epidemiological factors established as a result of this study and those factors are very well known to the Workmen's Compensation Board. Indeed, they are the factors upon which the board makes its decisions on applications for pensions or for compensation related to the development of carcinoma in coke oven workers.

I was interested, if I might say, to see an article in the Globe and Mail on December 11 which cited an investigation by the United Steelworkers of America. I should be very pleased if a copy of that study carried out by the United Steelworkers of America were delivered to me so that I might peruse the findings which they have apparently established, as related in this newspaper article.

The establishment of nominal rolls related to coke oven work has begun. It was begun in several—at least, two—of the unionized plants in this country several years ago and I think it will be of great value to the Workmen's Compensation Board in the investigation of claims.

Mr. Davidson: Will the ministry take over the role of finding the people?

Mr. Deans: A supplementary question. Notwithstanding the work done by the United Steelworkers of America and the cases they have uncovered, will the minister and her ministry undertake to conduct a proper study, employing physicians who are known to have expertise in the field, to determine whether or not there is a definite link between lung cancer and work in the coke ovens? Will she look at those particular people, those particular cases found by the United Steelworkers of America, and will she then move toward establishing an overall finding operation which will locate the people who have been in the plants and determine whether or not they are suffering or dying as a result of inadequate levels of safety in the plants over the years?

Hon. B. Stephenson: As the hon. member for Wentworth knows very well, the United Steelworkers of America have complimented several of our Ontario plants on the level of improvements in those plants. Some of the situations which occurred which were detrimental to workers' health were a very long time ago. Listing workers' names related to exposure to coke ovens is something which I

know at least two of the plants have been carrying out during the last several years.

Mr. Deans: Why is the ministry not doing it?

Hon. B. Stephenson: At the moment we do not have any of the names, which the United Steelworkers have apparently developed into a list which I should be very pleased to examine.

Mr. Warner: They are doing your work for you.

Hon. B. Stephenson: I should be very pleased to look at the relationship in their exposure to the coke ovens. As I said earlier, the relationship between exposure and the development of carcinoma has already been established. Specifically, there isn't any question about that.

If there is a unique problem related to the Hamco plant in Hamilton, this will undoubtedly come out as a result of the kinds of information which the United Steelworkers are producing and we shall most certainly investigate that. One of the high priorities of the Advisory Council on Occupational and Environmental Health is the coke oven emission problem. That is most certainly one of our priorities as well, and it is one which we shall pursue with vigour.

Mr. S. Smith: Supplementary: Would the minister not agree that, rather than waiting for fortuitous information to come our way, as happened with the coke ovens, and rather than waiting for the United States to provide some experience, there should be a massive infusion of funds here in this province for case finding, and tracking down people who have been in various questionable working environments, or even living near plants, such as NIOSH does in the United States?

As the most highly industrialized province, would it not be in our own interest to put a massive investment into that form of research in Ontario?

Hon. B. Stephenson: I would hope our attempts would be a good deal more successful than the NIOSH attempts have been.

Mr. Deans: You are not making any attempts yet.

Hon. B. Stephenson: There is no doubt that the development of nominal rolls for coke oven workers is an important activity which, as I said, has already begun. We shall be very pleased, and we'll most certainly pursue this problem with as much vigour as it is possible to muster.

Mr. Mackenzie: Supplementary: Given the 13 claims now before the board as of today for deaths from lung cancer at the Hamco plant and at least a dozen others the Steelworkers are now checking out and running around getting affidavits from fellow workers and so on—something the board obviously was aware of—would the minister not undertake a tracing of all of the workers that worked at the Hamco operation at least to see what pattern exists and how terrible the situation is?

Hon. B. Stephenson: From the newspaper report it would appear there is a terrible situation, as the member for Hamilton East has outlined. If in fact there is a different situation which prevailed at that plant from all of the others which have been studied carefully by experts in other areas, then we must pursue that problem as well. The development of nominal rolls again is something which it is important to do. The member is telling me that 13 submissions have been made to the board. I am informed that the board has thus far received one. I will be very pleased to examine all of these submissions as soon as they are received. Then I shall be pleased to tell this House precisely what detailed activity we are prepared to carry out.

Mr. Mackenzie: If one can again say to the minister, with regard to this plant, there is an obvious case. We have some of the names. Tracing them down is difficult. It could very well set a pattern for the other older coke oven operations—

Mr. Speaker: Is there a question?

Mr. Mackenzie: —if we do not follow through with these workers.

Hon. B. Stephenson: As I said earlier, one would anticipate that the results, which were unfortunately pursuant to work within the Hamco plant, would be very much the same as in other coke oven establishments throughout various years in other jurisdictions. The statistics which are allegedly stated in this article in the newspaper bear very little relationship to the kinds of epidemiological statistics which have been validly established by other studies. If there is a unique problem related to this plant, we shall pursue it, there is no doubt about that at all. We shall attempt to produce nominal rolls of workers in steel plants.

Mr. Davidson: By the time you get around to it they will all be dead.

Hon. B. Stephenson: One of the things I must say is that, unfortunately, there is a statement in this article which I find very disturbing. It says that in four of all of these cases listed there is absolute verification from physicians. That's four out of 22. I would hope that we would have much more solid, factual information upon which to base any kind of claim than we apparently have at the moment.

Mr. Deans: Why don't you go and look for it?

Mr. Warner: Go find it.

Mr. Davidson: It is your job to find it.

Mr. Laughren: Would the minister not agree that when there is an increased incidence of industrially-related disease in any given work place that's statistically significant, all such workers should be considered compensable for that particular disease?

Hon. B. Stephenson: No. As I have said on at least two or three occasions in this House, there must be some valid, scientific, evidential support for making any kind of compensation or pension payment to workers who have been exposed. It is quite possible that a worker who worked in a coke oven for six months will never develop any kind of problem.

Mr. Davidson: The worker gets the benefit of the doubt does he?

Hon. B. Stephenson: It depends on the length of time the worker is exposed and the place within the coke oven area in which he is employed. There are a number of important epidemiological studies which support that kind of statement, and I would hope that any agency of this government or any other government would act totally responsibly in allowing claims for compensation and pensions in this difficult kind of area.

Mr. Speaker: Any further questions? The member for Wentworth.

Mr. Deans: Yes, thank you. I have another related question for the minister. Since she seems to rely on the unions to do her work for her, who is going to conduct—

Mr. Yakabuski: Question, question, Mr. Speaker.

Mr. Speaker: Order, please. Proceed with the question.

Mr. Deans: I thought that member was taking a sabbatical.

Who is going to inquire into the conditions of those people who worked in the coke ovens in plants that are not unionized, Dofasco being an example? Who is going to conduct those studies of former employees, and employees who are still there, to determine effects on them as a result of the employment they have had?

Hon. B. Stephenson: Mr. Speaker, it is perfectly obvious that the unions of this country are not doing the work of the Workmen's Compensation Boards, nor of the—

Mr. S. Smith: Nobody is.

Mr. Deans: It's true.

Hon. B. Stephenson: —nor of the Ministries of Labour or of our occupational health protection branch.

Interjections.

Mr. Speaker: Order, please.

Hon. B. Stephenson: That was indeed a poor statement, to say the least. However, in the situation specifically mentioned by the hon. member for Wentworth, there are records being kept at this time by those plants which are not unionized, related to previous experience or previous exposure to coke ovens of the people employed in those plants. That kind of information is now available and is going to be more freely available to us.

But it has to be recognized that in the past the relationship between carcinogens within coke oven smoke and emissions, and the development of any kind of carcinoma was not clearly seen, it was not visibile to many of the examiners, and therefore the kinds of work-related records were not kept. We are aware of the problems and those kinds of records are now being kept. It will be very much easier, in the future, to develop the kinds of links which are necessary to make rational judgements.

Mr. Deans: Supplementary question: Is the minister requiring those companies which are non-unionized, or for that matter companies which have coke oven operations, is the minister requiring them to provide the Ministry of Labour and the Workmen's Compensation Board with lists of all of the persons who have been employed in those operations over the last 30 years?

Hon. B. Stephenson: At the present time, Mr. Speaker?

Mr. Deans: At the present time, yes.

Hon. B. Stephenson: We are not—

Mr. Deans: Why?

Hon. B. Stephenson: We are not requiring all of the companies in which there are potential carcinogens to keep lists of all of their employees and their previous employment at this time. This is a programme which we are examining very carefully, and hopefully we shall be able to produce some kind of sensible approach to the development of nominal lists for all toxic substances.

Mr. Deans: Supplementary: Can the minister explain to me why she wouldn't then go back into historical records and find the names of those who have been employed, and use them as the example in terms of whether or not there has been any disease contracted by virtue of having been employed in those coke ovens? Surely the ministry is not going to wait another 30 years and study the pattern of those who work there?

Hon. B. Stephenson: Mr. Speaker, that's precisely what I did not say. What I said was that we are keeping lists at this time.

Mr. Deans: That's precisely what the minister didn't say and precisely what she meant.

Hon. B. Stephenson: If it is possible to provide the information, or to obtain the information, about the exposure, the length of exposure, the kinds of plants in which they work, that is precisely what we shall attempt to get.

Mr. Mackenzie: Supplementary?

Mr. Speaker: We will allow one supplementary. We have had 14 minutes on the question now. The hon. member for Hamilton East.

Mr. Mackenzie: In trying to trace these workers, is the minister prepared to check whether a similar gas-producing operation existed at Consumers' Gas or any other municipal gas works?

Hon. B. Stephenson: Yes.

HYDRO RATES

Mr. Deans: I have a question of the Minister of Energy: Given that the minister said on November 25 of this year that the government had not yet decided whether it would intervene in the process of the establishment of the rates for Ontario Hydro in the years 1977 and on, and given that Hydro have now indicated that they have raised their rates without any government action; is it not a function of cabinet and the government to review Hydro's application for rate increases and to review the recommendations of the Energy Board, and to come to some decision about what the public can reasonably afford? Has the minister given any further consideration to the prospect that Hydro might adopt a smoothing operation to ensure that the increase to be imposed on the public of Ontario is not as overbearing as it now is?

[2:30]

Hon. Mr. Timbrell: As the hon. member well knows the process of setting of Hydro rates involves public hearings at the Energy Board; and following the completion of the Energy Board hearings and the filing of a report by the Energy Board, a decision by the Ontario Hydro board. The government has had under consideration for some time the suggestion that we should somehow intervene and direct that some form of smoothing, as it is called, be carried out. Looking at the implications of that and looking at what a number of the utilities to date have indicated they can do with the proposed bulk power rate increase, the government has decided not to intervene in the process.

Mr. Deans: Supplementary: Am I to assume that the minister believes that the 20-plus per cent that will be passed on by the utilities to their customers across the province is within the reasonable scope of what the public of Ontario can afford at this time, given that the minister could quite easily alleviate it and still not overburden them in years to come?

Hon. Mr. Timbrell: I think we have gone through this a number of times before in the chamber, in question periods and in debate. Given the implications of a rate-smoothing process in terms of additional borrowings required, in terms of the effect on the financial integrity of Hydro and what that could imply in terms of borrowing costs; given the implications for rates not that far down the road, that in fact a smoothing process would result in higher rates in a couple of years' time; given what the utilities are doing, as well as Ontario Hydro, in trimming their administrative costs to the bone and keeping expenditures to a minimum; the decision has been that it would not be in the best interests of the people of this province to carry out the kind of policy which the member's party has put forward. We think that would be irresponsible.

Mr. Speaker: Supplementary; the member for Windsor-Walkerville first of all.

Mr. B. Newman: Is the Minister of Energy considering an energy supplement to those on limited fixed incomes, and senior citizens, to alleviate the abnormal increases in energy costs to them?

Mr. Speaker: Order, please. The original question had to do with phasing-in of the increase in Hydro rates. This is an alternative suggestion which is really not part of the question.

Mr. B. Newman: Well, that is part of phasing-in.

Mr. Speaker: If the minister has a short answer we will let him give it.

Hon. Mr. Timbrell: As the hon. member knows the benefits provided by the government—not just benefits for the elderly but for all ages and groups of people—are reviewed from time to time and energy costs, like all living costs, are considered in those calculations and in determining new levels of support.

Mr. Deans: From time to time two years later.

Mr. MacDonald: Supplementary: May I ask the minister, why the secrecy? If on November 25 he indicated that the government hadn't decided whether it was going to intervene, and today we smoke out the fact that it has been decided the government is not going to intervene, when did he decide that the government wasn't going to intervene, and why didn't he inform the world?

Hon. Mr. Timbrell: The decision was taken only in recent days and there is no secrecy involved around it.

Mr. MacDonald: Remarkable that we should be hearing about it only now.

Interjections.

Mr. Speaker: Order please. A final supplementary; the member for Brant-Oxford-Norfolk.

Mr. Nixon: Yes. In connection with the minister's original answer and what he has just said, why is it that Ontario Hydro sent out an announcement just today informing rural users—that is direct customers of Ontario Hydro—that their increase would be in excess of 25 per cent when there is no public utilities commission to do any smoothing or assist them in any way? Would the minister not think that a part of his decision not to involve himself in the rate structure at this time could have been amended to assist and in defence of those direct users who must buy the power from Ontario Hydro without any intervening commission to give them any assistance as far as smoothing or any other control of rates is concerned?

Hon. Mr. Timbrell: As the hon. member knows, that is a fair bit less than the bulk power rate increase to the 353 municipal utilities and to direct industrial customers.

Mr. Nixon: You think that 25 per cent isn't too bad?

Hon. Mr. Timbrell: In fact, in both cases Hydro is bound to abide within the spirit and intent of the anti-inflation programme and to apply the various applications, as the member knows.

Mr. Nixon: I know you have said that before.

Hon. Mr. Timbrell: Let him check with his friends in Ottawa and he will find out that I am correct.

Mr. Nixon: The minister has changed position on that and so has Hydro. He is not going to do anything for the farmer.

Mr. Speaker: Order please. Any further questions? We have now been 20 minutes on the first set of questions.

The member for Hamilton West.

SALE OF LIQUOR

Mr. S. Smith: I'd like to ask a question of the Minister of Consumer and Commercial Relations: Will the minister please provide the House with further information concerning the remarks made by his colleague, the Treasurer (Mr. McKeough), on CBC television news on Saturday, concerning the possibility of privatizing the sale of liquor in the province?

Hon. Mr. Handleman: I haven't seen the comments and I haven't had a chance to talk to the Treasurer. I'd be glad to talk to him and see what information can be provided to the House.

Mr. Nixon: Are you going to put it in the grocery stores?

Mr. S. Smith: By way of supplementary, can the minister explain how it is that the Treasurer would make a statement of this kind on television without even discussing

the matter with the minister involved? Is that what usually happens in the cabinet?

Mr. Moffatt: The Treasurer doesn't ask anybody.

Hon. Mr. Handleman: I don't know what the Treasurer said; I'll be discussing it with him, obviously.

BRUCE SAFETY REPORT

Mr. S. Smith: A question for the Minister of Energy—a brief question: Will the minister make public immediately all background documents exchanged between the Atomic Energy Control Board and Ontario Hydro regarding the Bruce reactor safety report?

Hon. Mr. Timbrell: I haven't seen all those documents myself. I understand that a number of them are the property of AECL, not of Ontario Hydro; and that, in fact, in a number of cases they involve having to have the permission of the AECL since they involve both security and proprietary rights. But I'll check into that and give the member a reply.

URANIUM PRICES

Mr. S. Smith: Another question—perhaps a brief one—of the Minister of Energy, on a different topic: Could he tell this House what Ontario Hydro is paying for uranium with regard to delivery from 1980 to 1985, and could he compare that price with the price being paid by Japanese interests for delivery at the same time from Denison and Rio Algom?

Hon. Mr. Timbrell: Again, I don't have those figures readily at hand. I'll check them and, at the same time, find out the quality of the ore and the length of the contract, because those two things do have a bearing.

MINING CLAIMS

Mr. S. Smith: A question for the Minister of Natural Resources regarding Lake Wanapitei: Does the minister still insist that he has agreement from the claim holder in that lake, which contains Sudbury's water supply —does he still claim that he has agreement from them not to go ahead and work on those claims, despite the fact that we spoke to Mr. Arena again today and he still denies having given the minister such an undertaking?

Hon. Mr. Kerr: Must have been when the bells were ringing.

Hon. Mr. Bernier: I did some more investigation on this particular matter and I did find that while the Hollinger people agreed to postpone and defer any drilling for at least a year until all the questions with regard to the environment were settled, Mr. Arena has not. In fact, he was to get back to us by December 3. My staff have continuously tried to reach him to finalize this agreement. A work order was issued and was cancelled. Mr. Arena has no work order at the present time. If he calls, he will be told there are 10 conditions that the Ministry of the Environment will set out in the work order; so Mr. Arena does not have a work order.

Mr. Nixon: But he had one.

Mr. S. Smith: It was issued last week.

Hon. Mr. Bernier: He had one for about two days and it was cancelled. The conditions will make sure that the water quality of Lake Wanapitei will be fully protected, and that the water supply will be guaranteed.

Mr. S. Smith: By way of supplementary, could the minister explain to us the legal means by which these claims will be held by the claim holder, even though work will not be done on the claim? Is he not aware that if work is not done on a claim, the claim is forfeited? And can he tell us what legal means he intends to use to keep those claims from being forfeited, or is he hoping that he will allow them to be forfeited in this manner and open himself up to lawsuits?

Hon. Mr. Bernier: The claims to which the hon. member refers have a specific period of time—on filing with the mining recorder and on being properly recorded—a specific period of time to do assessment work. The claim holder should apply for a work order, and in the work order he will be given the conditions with which he must comply.

Mr. Laughren: A supplementary: Has the minister asked the Atomic Energy Control Board to refuse to grant permission to anyone drilling in the vicinity of Lake Wanapitei to move any ore samples without the express permission of the Ministry of the Environment or the Ministry of Natural Resources?

Hon. Mr. Bernier: I think I indicated to the hon. member before that the Atomic

Energy Control Board does not have any jurisdiction when there is exploration going on. When there is mining actually going on and the ore comes to the surface is when the Atomic Energy Control Board comes into play.

Mr. Laughren: A further supplementary, Mr. Speaker.

Mr. Speaker: Directly related to that?

Mr. Laughren: It's in connection with that, yes.

Mr. Speaker: All right.

Mr. Laughren: Is the minister not aware that the Atomic Energy Control Board must grant permission to anyone who wishes to move any of the ore, even if it is in the form of an ore sample, which would be the result of drilling and exploration?

Hon. Mr. Bernier: As I pointed out just a moment ago, a work order has to be applied for, and the conditions will be on there. A sample of ore is not considered uranium ore per se—

Mr. Laughren: According to the control board it is.

Hon. Mr. Bernier: —and the Atomic Energy Control Board does come into play when an ore body is extracted and hits the surface of the ground.

Mr. Roy: Mr. Speaker, why did the minister tell my leader last week that he had consent or agreement from all claim owners, when apparently his ministry had not even been in touch with the individual mentioned today; or is it that the minister didn't even know? Why would he tell us that?

Interjections.

Mr. Speaker: Order, please.

Hon. Mr. Bernier: Mr. Speaker, that is not entirely correct, because my staff did meet with the Hollinger people, with Mr. Arena and his lawyers there.

Mr. Roy: You just said they hadn't been in touch.

Hon. Mr. Bernier: They were in touch. They were at a general meeting where Hollinger was present—

Hon. Mr. Kerr: It was out in the middle of the lake, through the hole.

Hon. Mr. Bernier: —and Hollinger agreed. Mr. Arena was to get back to my staff by December 3, as I just just pointed out to the hon. leader. We tried to get in touch with him; we have not and the work order which he had was cancelled. He must comply with Ministry of the Environment's requirements.

BROWNDALE OPERATIONS

Mr. S. Smith: Mr. Speaker, a brief question of the Minister of Health: If, as he tells us, he has no objections and his ministry has no objections to Browndale's profitability, no matter how much profit it wishes to make, can he explain to this House why he bothered to order an expensive audit of its financial dealings, if it didn't matter at all what it did with its money, or how much profit it made?

Hon. F. S. Miller: Mr. Speaker, the other day I answered the member by saying it was my understanding that they did not have to be a non-profit company. They are, that part we agree upon.

Mr. S. Smith: Why bother auditing them?

Hon. F. S. Miller: The question the member asked me was whether a company had to be non-profit in order to be qualified to provide services in the province. I said they didn't have to be. I sat down and quite honestly I wondered if I was correct. That does happen, you know, once in a while.

Mr. Peterson: Seriously?

Mr. S. Smith: That you sit down?

Mr. Nixon: And you were quite definite about wondering.

Hon. F. S. Miller: I have asked that question and to this point in time I haven't got an answer. No one on my staff can tell me whether they must be non-profit in order to qualify. But they are determining whether that in fact is a precondition of anybody providing service for children's mental health. If I am wrong, sir, I shall tell the member so.

Mr. McClellan: Would the minister not agree that if the requirement for non-profitability is not in existence, it should be?

Hon. F. S. Miller: The member's thoughts and mine are not the same on that matter. I don't believe non-profit means low cost.

Mr. Yakabuski: Mr. Speaker, the Browndale matter has been a question that has come up in the House very often, and supplementary to what the leader of the Liberal Party has asked, I am interested too.

Some hon. members: Question.

Mr. Yakabuski: I am wondering if the expensive audit we are talking about—

Interjections.

Mr. Speaker: Order, please. Is this in the form of a question?

Mr. Yakabuski: —will tell us who the directors of Browndale were from the days it came into being, and if any of those directors were sitting members of the Legislature and had a conflict of interest?

Hon. F. S. Miller: I was just counting, Mr. Speaker. The period of the audit didn't go far enough back to answer the questions the hon. member has proposed.

HAMILTON GROUP HOMES

Mr. S. Smith: This will be, I hope, a brief question of the Provincial Secretary for Social Development. Has she had an opportunity to study the excellent brief presented by the Social Planning and Research Council of Hamilton and District regarding group homes? If so, would she agree with the contention in it that there's a great deal of overlapping clientele in the group homes operated by the various ministries—by Health, by ComSoc and by Correctional Services?

Hon. Mrs. Birch: Through you, Mr. Speaker, to the hon. leader of the Liberal Party, yes, I have read that brief; I've also met with the people who presented that brief. Yes, I do agree there's a great deal of overlapping and duplication of services. We intend to have a very close look at them.

[2:45]

Mr. S. Smith: A supplementary: I appreciate the minister's answer; would the minister agree that some of this overlapping is detailed in the interministerial committee report which we have been asking for since February of this year, and which she has not released? Would she agree that if such overlapping is the case, then the people of Ontario are spending approximately $65 a day for children to be taken care of in health facilities, and about $32 in ComSoc facilities and we're probably overspending in Health, and possibly underspending in ComSoc? Would she not agree that report might indicate that the group homes under the Ministry of Health are a very expensive rip-off in Ontario today?

Hon. Mrs. Birch: I'm not prepared to make that comment at this time, but I can assure the hon. member we are studying the whole issue of residential services for children very carefully.

LUNG CANCER COMPENSATION CLAIMS

Mr. Mackenzie: I am wondering if the Minister of Labour can tell this House whether or not she feels that the Workmen's Compensation Board has an obligation to assist in initiating claims or in gathering affidavits of medical records necessary in a tragedy such as the Hamco case?

Hon. B. Stephenson: The first thing I would say is that I am not in possession of factual information which would make me believe the Hamco case is a tragedy. I do not know at this time what the situation is because factual information is not presently at hand.

Mr. Swart: It is your initiative to get it.

Hon. B. Stephenson: I believe the Workmen's Compensation Board has been doing a valiant job in attempting to resolve some of the problems related to the relevance of permitting compensation and pensions for certain diseases which have never ever before been compensated for. I think that is the primary role of the board. There are other agencies which might in fact be more appropriate for the investigation of the potential problems in certain work situations than the Workmen's Compensation Board. If those other agencies cannot do it, if it is impossible to have another agency capable of providing that kind of information, then I would think by default the board might have to do it. I would think their primary responsibility is to establish the relevance of claims.

Mr. Mackenzie: Given the information that has been dug up by the Steelworkers' Union in the Hamco case, what ministry or what government department would the minister recommend we ask for assistance in chasing down the names of the people and gathering the records that we've been pulling together? Or is it going to be left entirely up to the union?

Hon. B. Stephenson: I would hope that the hon. member would know very well that he should ask the Ministry of Labour for that kind of assistance.

An hon. member: He already has.

Hon. B. Stephenson: He has not.

APPOINTMENT OF QCs

Mr. Peterson: Has the Attorney General received a letter from Mr. Allan Mintz, barrister at law in this city, applying for a QC for this year?

Hon. Mr. McMurtry: Yes.

Mr. Peterson: Supplementary—

Mr. Speaker: Is this of urgent public importance?

Mr. Roy: To some lawyers it is.

Mr. Peterson: May I ask the minister what his response to Mr. Mintz is, and secondly, what basis and what criteria will he be using this year, over the new year, to award the QCs that he will be awarding in this particular year?

An hon. member: Listen to the member for Ottawa East (Mr. Roy).

Mr. Speaker: Order, please.

Hon. Mr. McMurtry: I can't recall my particular response to Mr. Mintz. I have received hundreds of applications. But I can assure the member opposite that the criterion will be, as it was last year, related to excellence in the practice of law.

Mr. Reid: And being a one-time Conservative.

Mr. Nixon: Supplementary: I wonder if the minister would consider taking the advice of the Law Reform Commission, and many other learned groups, and either abolish the QCs or have a list this year of those from whom the honour is removed?

Hon. Mr. Welch: Spoken as a non-lawyer.

Hon. Mr. McMurtry: The list will speak for itself.

Mr. Nixon: It always does.

Hon. Mr. McMurtry: I would like to say to the former leader of the Liberal Party that a good friend of his has applied and I think he might even be awarded a QC this year.

Mr. Nixon: As long as I don't recommend it.

Mr. Speaker: The Minister of Energy has the answer to a question asked previously.

HYDRO POWER REDUCTION

Hon. Mr. Timbrell: On Friday the hon. member for Niagara Falls (Mr. Kerrio) asked the Premier (Mr. Davis) if he would inquire of me if priority could be given by Ontario Hydro to industrial customers to avoid the loss of jobs during the current peak load demand.

I would point out to the member that only interruptible contracts have been cut and this is the purpose of this type of contract. Industrial companies which have interruptible contracts receive discounts on their power rates and in return for this discount agree, should it be necessary, that service will be cut for a specified maximum time, for a specified number of times per month and maximum hours per year.

I would point out that some customers have saved as much as $25,000 per month on their hydro bills under this type of contract. While they were receiving these discounts many of them were never cut. Between 1972 and 1975 inclusive there were no cuts at all for class A customers. From 1972 to 1975, there was a total of only 32 cuts to different customers with class B interruptible contracts. The actual percentage of cuts made as a percentage of the permissible cuts under the contract was less than one per cent. I would refer the member to Vol. 9 of the costing and pricing study which was tabled in the Legislature recently and which gives all of these data.

This year, due to a combination of circumstances including cold weather, low water flows and some breakdown in the coal-fired station at Nanticoke, more cuts are necessary. However, the industrial customers with interruptible contracts know the risks they are taking. They willingly enter into the interruptible contract to make a major saving in power costs. Up to this year, their risk has been minimal and their saving has been significant. No one likes to have power shortages or layoffs of employes; however, companies with interruptible contracts know the risks they take and are expected to have contingency plans should it be necessary to have an interruption under their contracts.

I would point out that the system of interruptible contracts is under review as part of the costing and pricing study. As I mentioned previously, it is Vol. 9 of that study which I will refer to the Ontario Energy Board in January for public review. In that study there are recommendations for a revised system of interruptible contracts which will be of greater benefit to the industrial customer and to On-

tario Hydro as a tool for controlling peak loads.

Mr. Kerrio: A supplementary, through you to the Minister of Energy, Mr. Speaker: There was one part of my question that's gone unanswered. The great concern I had in posing the question was what can the minister do about industry foregoing expansion in Canada and going to the United States not only because of power cutbacks but power interruptions? That was the major part of my question—further jobs in the industrial sector throughout the Niagara Peninsula and many heavy power users.

Ms. Gigantes: Nationalize them.

Hon. Mr. Timbrell: As I indicated to the hon. member, last Thursday I believe it was in this chamber, I don't believe any prudent planner of an industry would base a decision to expand or not to expand on a difficulty which is confined to a few weeks in December, 1976. We have an unusual collision of circumstances—the low water levels in the north, the difficulties of the Nanticoke station and unduly low temperatures causing brand new record peaks. I don't think that will influence—

Mr. Ruston: They closed down the plant in Windsor.

Hon. Mr. Timbrell: —the future expansion plans of industry in this province.

MILK IMPORTS

Mr. MacDonald: A question of the Minister of Agriculture and Food: Since radio station CHLO in St. Thomas has confirmed that the Carnation plant in Aylmer is operating on a significant flow of milk supply from the Carnation plant in Alexandria, which in turn has bootlegged milk from the province of Quebec; and since the chairman of the OMMB has indicated a growing concern about this kind of practice in many plants across the province of Ontario, would the minister give us, instead of the erroneous information he gave us earlier, a picture as to what the practice is across the province, how prevalent it is and what he's going to do about it instead of passing the buck to Gene Whelan?

Interjections.

Mr. Speaker: Order.

Hon. W. Newman: Mr. Speaker, I would ask you to look at the way that question was worded to see if the hon. member might want to retract part of what he said today.

Mr. Nixon: What? He said the minister was erroneous.

Hon. W. Newman: But in answer to his question, he was talking about bootleg milk and interprovincial milk moving across interprovincial boundaries. It is not a provincial matter except that it concerns us and we have to draw it to the appropriate people's attention.

Mr. MacDonald: Would the minister answer my question?

Mr. Breaugh: I think the Minister of Natural Resources wrote that.

Mr. MacDonald: How widespread is that practice?

Mr. Speaker: Order, please.

Hon. W. Newman: To our knowledge very little if any; we have looked into it.

As far as it concerns Carnation bringing milk to its various plants from other areas of the province of Ontario, there's nothing illegal about doing that in the province of Ontario.

Interjections.

Hon. W. Newman: If the hon. member wants specific details on it, we'd be glad to get them for him.

Mr. MacDonald: Supplementary: Since the minister claims this is a very small practice, in spite of the OMMB having said that it is widespread and his colleague from Stormont-Dundas-Glengarry (Mr. Villeneuve) giving him documented facts which deny the validity of his original statement in this House, will he table, from his own audit from the milk industry branch which audits the receipts of milk in each plant in this province, the receipts of milk and how much of it came from outside the province for the month of November?

Secondly, does he not think it is his responsibility to protect the interest of Ontario farmers, who are frozen into quota limits for sales, when an increasing proportion of the milk being processed by Ontario plants is coming from outside the province —or at least raise his voice about it?

Hon. W. Newman: Mr. Speaker, quite obviously the member for York South doesn't really understand the milk problems—

Mr. MacDonald: I understand.

Mr. Bain: You enlighten us, Bill.

Mr. Breithaupt: Don't raise your voice on the subject.

Hon. W. Newman: He doesn't understand. We're talking about—

Interjections.

Mr. Speaker: Order, please. The hon. minister has the floor to answer the question.

Hon. W. Newman: Mr. Speaker, under the industrial milk programme in the Dominion of Canada, the quota allocation is set up by the government of Canada and the Canadian Dairy Commission. Each province is allocated so many pounds of milk on a pro rata basis, and it was 95.4 million hunderdweight for the current dairy year of 1976-77. They raised this to 99 million hundredweight, another four million hundredweight just recently, which gave the province of Ontario 128 million pounds of milk to—

Mr. MacDonald: It is all irrelevant.

Hon. W. Newman: —distribute to the producers in this province on a pro rata basis. Every province was treated equally under the national milk agreement on a pro rata basis, as long as the member understands that. If he doesn't, I'd be glad to explain it in more detail.

Mr. MacDonald: Mr. Speaker, on a point of order, may I ask you did the minister answer my question as to whether he'll give the information for the month of November?

Mr. Speaker: I didn't listen quite that closely.

Mr. MacDonald: Did you hear that?

An hon. member: No, he didn't.

Mr. MacDonald: Did he answer it? That was my question. Will he provide the receipts—

Mr. Speaker: Order please.

Hon. W. Newman: The member should make sure he does it right.

Mr. MacDonald: You are not going to provide it?

Hon. W. Newman: Just don't play games with the farmers of this province.

Mr. Speaker: We're getting into a debate here. The member for Renfrew North.

ARDA PROGRAMMES

Mr. Conway: Thank you, Mr. Speaker. A question to the same minister, the Minister of Agriculture and Food, having to do with the ARDA winter works programme:

What, if any, remedial action is he preparing before the cabinet to alleviate the very drastic impact of the cutbacks in the forestry employment projects for the Renfrew county area; cutbacks which have reduced employment opportunities from roughly 90 last year to 27 jobs this year? What remedial action if any, is he proposing?

Hon. W. Newman: Mr. Speaker, under the total ARDA agreement each project that comes through first has to have approval. As members know, it's a joint programme, sponsored 50-50 on the financing by both the feds and the provincial government. Our agreement runs out March 1, 1977. I was in Ottawa last week talking about a continuation of our ARDA agreement. We have several ARDA programmes going on, and if the member would like any details on a specific ARDA programme we'd be glad to give them to him.

Mr. McClellan: They should go and see Paul.

Mr. Conway: Supplementary: I'm wondering why officials in the ministry informed me last week that, having regard to the federal restraints and having regard to the budgetary restraints provincially, a further $73,000 was removed from the Algonquin district allocation because, "it was needed in more needy areas"?

Mr. Warner: Such as Renfrew South.

Mr. Conway: I wonder how the minister arrived at that and what remedial action he is prepared to provide, on the provincial side of this issue, to help those people in Renfrew county, who are certainly looking for those jobs that have disappeared? How is the minister going to respond to that?

Hon. W. Newman: Mr. Speaker, first and foremost, I think we are confusing two different programmes. The ARDA programme is a jointly-funded programme, and in many instances the individual owner or person who is in the programme pays a portion of the cost.

We have our northern assistance budget, which runs at about $420,000 a year, which is distributed to the various districts in the province of Ontario and the farmers themselves decide how that money is distributed.

Mr. Conway: Am I to assume there is no further money coming?

Hon. W. Newman: No. The hon. member is not to assume anything.

[3:00]

TAX REBATES ON CONDOMINIUMS

Mr. Drea: A question to the Minister of Revenue: In the light of the minister's concerns and remarks on Friday concerning the rebates to condominium owners, would the minister consider submitting this controversial issue to the Kealey committee on condominiums so there may be a recommendation—

Mr. Roy: Stay away from that.

Mr. Drea: —for a fair and equitable solution of this problem?

Mr. Roy: Don't do anything, that's it.

Hon. Mr. Meen: Not only would I consider it but I did consider it when the Kealey committee was appointed. There is a representative on that committee from my ministry with the express purpose of advising the committee on the matter of assessments of condominiums. I am certain they will be looking at this particular matter when they are looking at all the other problems concerning condominiums.

Mr. Moffatt: Did the minister write the question?

Mr. Bullbrook: Great minds work alike.

Mr. Speaker: The time of the oral question period has expired.

Petitions.

Presenting reports.

REPORTS

Hon. Mr. Wells presented the annual report of the Education Relations Committee.

Mr. Breaugh, on behalf of Mr. Lawlor, from the standing administration of justice committee, presented the committee's report which was read as follows and adopted:

Your committee recommends that the following bills be not reported:

Bill 140, An Act to reform the Law respecting Property Rights and Support Obligations between Married Persons and in other Family Relationships.

Bill 141, The Marriage Act, 1976.

Bill 85, An Act to reform the Law respecting Succession to the Estates of Deceased Persons.

Mr. Speaker: Motions.

Introduction of bills.

UNIFIED FAMILY COURT ACT

Hon. Mr. McMurtry moved first reading of Bill 189, An Act to establish the Unified Family Court.

Motion agreed to.

JUDICATURE AMENDMENT ACT

Hon. Mr. McMurtry moved first reading of Bill 190, An Act to amend The Judicature Act.

Motion agreed to.

Hon. Mr. McMurtry: This amendment, as is evident from the bill, is to increase the complement of the High Court of Justice for Ontario from 36 to 37. This is by reason of the appointment of Mr. Justice Patrick Hartt to the chairmanship of the environmental study that was announced by the Premier on Friday. In view of the fact that it is estimated Mr. Justice Hartt may be absent from his duties for upwards of two years or more, the Chief Justice of the High Court made the request that it would be necessary, in view of the very heavy list and the onerous responsibilities related to that court, that there be an appointment to replace Mr. Justice Hartt. This is the reason for the proposed amendment to The Judicature Act.

POINT OF PRIVILEGE

Ms. Bryden: Mr. Speaker, I rise on a question of personal privilege. I notice there are still 57 questions on the order paper and I understand there may be only a few days left in the session. There were 198 questions, so over one quarter are still unanswered. I wonder if the House leader could inform us whether we can expect an answer before the House rises?

Mr. Speaker: Rather than a point of personal privilege I think just a straight question would have been in order. Does the hon. House leader have an answer?

Hon. Mr. Welch: I suppose it's a matter of a point of view. If one member of the House wants to emphasize the number unanswered, I'd like to point out to the member, although she's a new member, there's a substantial number of questions that have

been answered and I have five more today. I think hardly a day goes by that we haven't had a fair number.

Mr. McClellan: Where is 67? Will we get them all before we return?

Hon. Mr. Welch: I can't undertake that. Some of these questions require a tremendous amount of research. Certainly we're making every effort to do all we can before we prorogue.

Interjections.

Hon. Mr. Welch: Mr. Speaker, before the orders of the day I wish to table the answers to questions 140, 144, 145, 146 and 178 standing on the notice paper. (See appendix, page 5665.)

Ms. Bryden: That leaves 52.

Mr. Speaker: Orders of the day.

EMPLOYEES' HEALTH AND SAFETY ACT
(continued)

House in committee on Bill 139, An Act respecting Employees' Health and Safety.

Mr. Chairman: Section 2 is still open and I believe the hon. Minister of Labour had an amendment to that section.

On section 2:

Mr. Chairman: Hon. B. Stephenson moves that section 2 of Bill 139 be struck out and the following substituted therefor:

"2. Where an employee in a work place has reasonable cause to believe that a machine, device or thing is unsafe to use or operate because its use or operation is likely to endanger himself or another employee, or a place in or about a work place is unsafe for him to work in, or the machine, device, thing or place is in contravention of The Industrial Safety Act, 1971, The Construction Safety Act, 1973, or part IX of The Mining Act, or any regulations thereunder as the case may be, the employee may refuse to use or operate the machine, device or thing, or work in the place."

Mr. Laughren: Mr. Chairman, I would like to commend the minister for bringing in this section. I think it's a step forward. I think it makes a great deal of sense and indicates the ministry understands a little more now than it did when the bill was introduced about how strong the employees feel about protecting one another as well as themselves.

I'm concerned about one aspect of this amendment and it doesn't deal with the wording in the amendment, but I wonder if I could slip in a question here, if the chairman would permit me.

Mr. Chairman: A question is permissible at any time in committee.

Mr. Laughren: Thank you, Mr. Chairman. Does the minister see this section, this amendment or any other section of this bill as being appropriate and indeed having jurisdiction over federal government employees, or employees who are designated as being responsible under the jurisdiction of the federal government—such as railroad employees, such as communications employees, such as miners at Elliott Lake?

Hon. B. Stephenson: Mr. Chairman, I believe it does give us jurisdiction over the safety of the work place for the miners at Elliot Lake. About the others I am not specifically sure because there are certain sections of The Canada Labour Code for which the Ministry of Labour in the province of Ontario is responsible. At this time, I cannot give you factual information about those specific employees which that portion of The Canada Labour Code covers.

Mr. Laughren: I wonder if I could pursue that for a moment? Could the minister have someone within her ministry, hopefully today, find out for us what is the jurisdiction and who is going to be able to say, of the uranium mines of Ontario, "Jurisdiction is with the Ministry of Labour; there is jurisdiction and they are responsible under Bill 139"? I am very worried about jurisdiction in uranium mines in particular because there is no group of employees in the province that needs the protection of this bill more than uranium miners.

Hon. B. Stephenson: I would certainly ask for that specific information about those employees who are under the jurisdiction of the Ministry of Labour in the province of Ontario and who fall under—I think it's part IV of The Canada Labour Code. I will be pleased to provide that information for the member.

Mr. Bullbrook: I see nothing but reason in the amendment and I would supplement the comments made by my colleague from Nickel Belt that the briefs from organized labour express support for the principle of

the section; express a desire, especially in the brief from the Ontario Federation of Labour, for the extension of the principle to protect not only the person making the subjective evaluation but his fellow employee. I felt the extension proposed by the New Democratic Party was meritorious to some extent, based on the implications of it. The obligation of the Ministry of Labour is not only to assure that the work place and working conditions are safe; there is also the propriety of assuring that business can be carried on, which certainly is a function of government.

Frankly, it was my opinion and the opinion of this caucus that the extension expressed by the Ontario Federation of Labour—I think I might, in parentheses, point out to the minister through you, Mr. Chairman, that I voiced this in the presence of the Ontario Federation of Labour—although, as I say, the section is acceptable and somewhat meritorious, I was one who voiced—and I think perhaps the minister voices to herself—some degree of trepidation about this section. There is the continuing obligation on the trade union movement, the individual employer and, collectively, the employees, not only to assure that business be done in a business-like fashion—that is secondary—but that the subjective evaluation and concurrent activity by an employee doesn't render unsafe the work place for his fellow employees. Frankly, in the assembly-line type of production, in what can be characterized as the stream type of production, the unilateral activity of one employee can adversely affect those on the line or those in the stream. That has caused me concern and I voiced that concern in committee. I tell you frankly I voiced that concern to my caucus colleagues in the Liberal Party.

Recognizing that this can be construed somewhat as interim legislation—it's a beginning and a good beginning—we have decided to support the principle of it, also recognizing that we are going to have to give it time to see what happens.

As to the wording itself, I want the minister to help me because I am concerned about the wording of it. As I read it, if I can go over it with you, "where an employee in a work place has reasonable cause to believe" is the end of the operative aspect of the legislation. If I can move down, what is causing me concern is a question of drafting. "Where an employee in a work place has reasonable cause to believe . . . "; that is the operative aspect of the section. Then we go down to the fourth line " . . . a work place is unsafe for him to work in. . . "—and this is the tough part—"or a place where hazardous emissions are above the allowable standards . . ."

[3:15]

Hon. B. Stephenson: That is not our amendment. That is the NDP amendment.

Some hon. members: That's out.

Mr. Bullbrook: I am sorry. I don't think I have your up-to-date amendment then.

Hon. B. Stephenson: Could we send you a copy?

Mr. Laughren: You are supporting ours today. You wouldn't on Friday. Hey, Sweeney, did you hear that? He would have supported it.

Mr. Sweeney: He didn't say it yet. Wait till he finishes.

Mr. Bullbrook: Let me look at this again, if I may.

I apologize to you. It was the NDP amendment that I was looking at and, frankly, it was completely improperly drawn. Not only was it a question of not accepting the principle, but whoever drafted it for him has absolutely no ability to draft legislation. It was conjunctively disjunctive.

Mr. Chairman: It was at least in order.

Mr. Bullbrook: That, Mr. Chairman, is the best that could be said for it: It was in order. I entirely concur. I appreciate your indulgence. I just wanted to view this again. I hadn't had a copy of it previously. This particular amendment is properly drafted and we will support it.

Mr. Bounsall: I would like to say a few words. In terms of the effect of the minister's amendment, I can't see that it differs in intent that much from the one we had proposed. Where we had proposed "may cause a hazard for another employee", the minister is saying that "the use or operation of this machine, device or thing is likely to endanger himself or another employee".

Mr. Bullbrook: We could explain it.

Mr. Bounsall: As far as I read it, there is little difference at all between the two. It is certainly quite acceptable and an amendment which we will wholeheartedly support; we have no problem with it.

I want to say one other thing to the minister about something that is of a little concern to me. This section as it stood cer-

tainly raised the expectations of all workers in Ontario in terms of them being able to withdraw themselves from an unsafe work place or from the operation of an unsafe machine and so on. Here we have gone one step further in the amendment in which, if he feels it is likely to endanger another employee, he can claim the machine is unsafe.

I am worried about the expectation which this section raises, particularly now that the expectation has been raised even higher, with respect to the support that that employee is going to get. That is, when he withdraws himself and we go through the procedure in the bill, will there be sufficient funds expended by this government to meet those expectations? Will there be sufficient inspectors provided in this province to meet the expectations which this section is quite rightfully drawing from the workers right across Ontario?

I think there are all kinds of indications that when The Mining Act is being policed by the Ministry of Labour now, with respect to—well, okay, in this bill you quite clearly indicate the provisions under which people working in the mines can expect to receive help in terms of an unsafe place or unsafe conditions. They may now refuse under this one as well; under this bill they may now refuse.

You've indicated that you're hopefully providing some 80-plus inspectors in the mining area to accommodate this. The Ham report spoke particularly and only to the mining area. In that area the government obviously appears to be responding with sufficient additional inspectors of one type or another, so that that Ham report, in its specific recommendations, can be carried out effectively for miners in this province.

But, of course, this section speaks to everybody in the province: construction workers, industrial workers. I'm really concerned, as perhaps you are too, Madam Minister, that there are sufficient additional funds provided and, therefore, additional inspectors in the construction industry and in the manufacturing industries to in fact give force to this section in terms of the situations that will be claimed to be unsafe under it. This would give to the industrial worker and the construction worker the feeling—not just the feeling but the actuality—that his complaint can be dealt with.

I guess maybe this is a long way of asking whether the government has indicated to the ministry that in fact there are going to be sufficient funds forthcoming and sufficient inspectors in the industrial and construction areas that one can in fact implement in actuality this clause now that it's been upgraded in particular?

Hon. B. Stephenson: Mr. Chairman, I might respond by stating that in fact the specific provisions mentioned by the hon. member have been included within The Industrial Safety Act since 1971, and The Construction Safety Act since 1973. The expectations, I think, were raised at that time, and I think those expectations have in fact been met.

But I think I should say that, indeed, it is not the primary purpose of this bill to ensure there will be great hordes of inspectors throughout the province. What we are attempting to do is to provide a mechanism whereby solutions to these problems can be found through co-operative effort between employers and employees within the work place. Indeed, in many instances no inspectors will ever need to be called, because the employer and the employees will have resolved the problem without calling an inspector.

However, we are committed to producing an adequate number of inspectors in order to provide the service as rapidly as possible, and hopefully, on the basis of the record which we have established within the construction industry in the last two years, at the rate of an inspection within 45 minutes of the request being submitted.

Mr. Bounsall: Just one other question on this point, then. Can the Minister of Labour tell us how many inspectors, in addition to those it already has in the field, the ministry would contemplate needing in the industrial sector field in order to give full implementation to this section 2?

For example, in the mining industry we hear there are some 80-plus applied for and so on.

Hon. B. Stephenson: It was not 80 inspectors.

Mr. Bounsall: Well, it was 80-plus when we were in the committee stage a few short weeks ago. I don't know whether you've changed your mind on that commitment; I'd be interested in hearing that. But how many are you contemplating needing, in addition to what you have, in the industrial sector?

Hon. B. Stephenson: Mr. Chairman, I apologize that I cannot give the exact figures because, indeed, the implementation team is still refining those figures with the assistance of experts in the various fields and the responses of the Barrett committee, and next week with the help of the new assistant

deputy minister for occupational health and safety, who will be in place at that time. The figures, I am sure, will be available early in the new year, but right at this point I can't tell you exactly how many. I have told you what our goal is, that we shall be able to respond within a relatively short period of time to all requests for assistance from inspectors.

Motion agreed to.

Section 2, as amended agreed to.

On section 3:

Mr. Chairman: Mr. Laughren moves that section 3 of the bill be struck out and the following substituted therefor:

"3(1). Where an employee in a work place refuses to use or operate a machine, device or thing, or refuses to work in a place therein because he has reasonable cause to believe that the machine, device or thing is unsafe for him to use or operate or may cause a hazard for another employee, or a place in or about a work place is unsafe for him to work in, or a place where hazardous emissions are above the allowable standards, or a work practice may cause his work to be unsafe, or the machine, device, thing or place is in contravention of The Industrial Safety Act, 1971, The Construction Safety Act, 1973, or part IX of The Mining Act, or any regulations thereunder, as the case may be, he shall forthwith report the circumstances of the matter to his employer or the person having control and direction over the operation of the work place, who shall forthwith investigate the report in the presence of the employee and, if there is such, in the presence of either a health or safety representative or member who represents employees or another employee authorized by the employee or the trade union that represents the employees."

We will take this amendment to subsection 1 before proceeding on to other subsections of the section, because the minister has an amendment to section 3(2).

Mr. Laughren: Could I speak to your ruling, Mr. Chairman?

Hon. B. Stephenson: In light of the amendment which was accepted to section 2 it is obvious that the same amendment should be included in section 3(2). I don't have a copy because I've given them all away—the copies of the amendments—but the specific change which was made to section 2 should, in fact, be copied into section 3(1).

Mr. Chairman: Has the minister indicated that she is prepared that those sections that were passed in section 2 should be adopted in section 3(1) of the bill?

Hon. B. Stephenson: Yes.

Mr. Laughren: Mr. Chairman, could I speak to that?

Mr. Bullbrook: Before you do, on a point of order, has the minister's staff provided her with a copy of the amendment to section 3(1)?

Hon. B. Stephenson: No, as a matter of fact, they haven't.

Mr. Bullbrook: I think we'd better get organized. First of all, the staff should provide the minister with the appropriate amendment so we can look at it.

Mr. Chairman: There is no amendment before the committee other than the one presented by the member for Nickel Belt.

Mr. Bullbrook: But my understanding is that the minister is saying, to complement the amendments to section 2, we will require from the minister an amendment to section 3(1). I think, in fairness to the minister, she should get that and we should have a copy of it, because we have to read it since we're passing laws.

Mr. Chairman: That's right.

Mr. Conway: An eminently sound idea.

Mr. Laughren: I very much wish that the minister had accepted our resolution on Friday which embodied the same principle as her resolution today except we then would have been able to adopt our version of the remainder of section 3 which already had that principle built into it.

I must say, Mr. Chairman, that I hesitate to put section 3(1) independently in view of the fact that all of the sections are interrelated; there is a relationship between each subsection.

Mr. Chairman: The minister has amendments to sections 3(2) and 3(3). It's my intention to put the minister's amendment first and any other amendments as sub-amendments, whenever they are present. Unfortunately, we don't have a government amendment to section 3(1) before the committee. That's our dilemma. I think one is being prepared by the legislative counsel at this time.

Mr. Conway: The government doesn't know what it is doing, as usual.

An hon. member: Why don't they tell the minister that?

Hon. B. Stephenson: Mr. Chairman, could I beg your indulgence and the indulgence of the members of the House that we might move to section 3(2) and return to section 3(1)?

[3:30]

Mr. Chairman: That's permissible.

Hon. B. Stephenson moves that subsection 2 of section 3 of the bill be amended by striking out "refuse to return to work" in the 14th line and inserting in lieu thereof "continue to refuse or operate the machine, device or thing or work in the place unless a collective agreement binding the employee expressly provides otherwise." There are other amendments; do you wish to put a sub-amendment to that?

Mr. Laughren: On a point of order, Mr. Chairman. Would it not be appropriate to have skipped over subsections 1 and 2 until the wording of the result of the amendment in section 2 was built into subsections 1 and 2, because I believe that our caucus could support subsections 1 and 2 if the amended section 2 was built into it?

Mr. Chairman: Agreed. All right, the minister has an amendment to subsection 3 of section 3.

Hon. B. Stephenson moves that subsection 3 of section 3 of the bill be amended by striking out "refuses to work" in the first line and inserting in lieu thereof "continues to refuse or use or operate the machine, device or thing or work in the place or having returned to work in compliance with the express provisions of a collective agreement binding the employee, files a grievance concerning his right to continue to refuse to use or operate the machine, device or thing or work in the place."

Mr. Laughren: Mr. Chairman, the reason I was shaking my head toward the minister was that we have a copy of her amendment from last week, but I believe that one goes beyond the copy that she sent to us last week.

Hon. B. Stephenson: No, it doesn't.

Mr. Laughren: Anyway, Mr. Chairman, we have amendments to subsections 3, 4, 5, 6—well, some new amendments to the section. I would ask your guidance when you wish to deal with those?

Mr. Chairman: I think you should put your amendment to the amendment.

Hon. B. Stephenson: Mr. Chairman, if I might say, the amendment to section 3(3) was included in the bundle of amendments which was submitted to the opposition parties last week.

Mr. McClellan: But they have been revised since.

Hon. B. Stephenson: No, it has not been revised.

Mr. Mackenzie: I have what you sent here, but it's only half of that in both of these cases.

Mr. Bullbrook: For clarification, the minister did give us two sets and pointed out that the second set was amending the first set.

Mr. Mackenzie: I have only got one.

Mr. Bullbrook: Did our colleague from Nickel Belt only get one set of amendments?

Hon. B. Stephenson: Mr. Chairman, there was only one additional amendment amending the first set of amendments which was distributed on Friday and it was an amendment to—I've forgotten which one—I think it was section 3(2). The only additional amendment today is the amendment to section 2 and the subsequent amendments which must be made as a result of that amendment to section 2. All of the other amendments which the government proposes were indeed passed to the members opposite last week.

Mr. Chairman: We have the minister's amendment to section 3(3). The member for Nickel Belt also has an amendment. If he wishes to place it before the committee, now would be the time to do it.

Mr. Laughren: This is part of a new section 3 as we would amend it.

Mr. Chairman: This is an amendment to the amendment?

Mr. Laughren: Yes.

Mr. Chairman: We have to treat it as such.

Mr. Laughren moves that subsection 3 of section 3 be amended to read:

"(3) Where the employee refuses to return to work and there is a committee in the work place, the committee shall expeditiously consider the grounds for the refusal to work and require that the health and safety representative take and report to the committee the results of any tests required by either party or by the committee itself and

(a) advise the employee to return to work on the grounds that the machine, device or thing or work place is safe;

(b) advise the employer as to the steps to be taken to remedy the unsafe machine, device, thing, work practice or work place and when these steps are followed advise the employee to return to work on the grounds that the machine, device, thing or work place is now safe; or

(c) where the employer fails to take the required steps to remedy the unsafe machine, device, thing, work practice or work place, the committee shall notify the appropriate inspector or engineer as the case may be."

Mr. Laughren: May I proceed with subsection 4, Mr. Chairman? I ask your direction. Do you wish me to proceed with the rest of the amended subsection 3?

Mr. Bullbrook: I'd prefer not.

Mr. Chairman: Just down to clause (c).

Mr. Laughren: I've finished clause (c).

Mr. Chairman: That's all that's required. Anything further to that is section 3(4).

Mr. Laughren: Exactly.

Mr. Chairman: We'll deal with it subsection by subsection.

Mr. McClellan: Mr. Chairman, on a point of order, because our amendments are sequential and involve a completely different approach to the entire section, I just want to make it clear that it makes no sense to be dealing with section 3(4) in isolation from sections 3(1), 3(2) and 3(3). It would seem to me to make sense to proceed, in introducing our amendments to this section, to introduce them sequentially from subsection 1 right through to subsection 8 so that we could then argue our alternate approach and attempt to persuade the House of the wisdom of that direction rather than to chop it all up into pieces that make absolutely no sense out of context.

Mr. Chairman: I'm inclined to agree with the hon. member. It would be a lot easier for the committee and for the Chair if we were to keep these in order. Has the minister any indication of how long it would take to place before the committee the amendment to section 3(1)?

Hon. B. Stephenson: I don't have any specific indication of the length of time right at the moment, but I think it can be done in about five minutes or so. However, it is a very simple amendment. If one substitutes for the first nine lines of section 3(1) the amendment to section 2, and then proceeds with the remainder of that section, that's all there is to it. It's simply an amplification of the responsibility.

Mr. Chairman: We're dealing with a fairly complex bill and we want to make sure we don't get ourselves into a dilemma that may be difficult to extricate ourselves from.

Mr. Bullbrook: May I speak to the point of order, which I think is a valid point, except I think our colleague from Bellwoods was trying to point out that section 3(3) and those following they regarded as a package. I don't think he was objecting to our delay with respect to sections 3(1) and 3(2).

Mr. Laughren: That's right.

Mr. Bullbrook: Frankly, I'm not married to any situation, as far as that's concerned. If the New Democratic Party feels it can explain more ably by going to section 3(4) and onwards, I have no objection to it. I doubt it because it seems to me the principle of their change is in 3(3) and the other is just an application of it. If they want to read 3(4) now, I don't think the minister would object, would you? Let's go ahead and read them.

Mr. Chairman: Mr. Laughren moves:

Subsection 4: Where the employee refuses to return to work and there is no committee in the work place, the employer or person having control or direction over the work place shall notify the appropriate inspector or engineer, as the case may be.

Subsection 5: Any test result under subsection 3 shall be made available to the engineer or inspector at this time. Or the engineer or inspector may carry out any test required by either party at this time.

Subsection 6: Where the inspector or engineer as the case may be receives a notification under clause (c) of subsection 3 or under subsection 4 he shall expeditiously investigate the matter in the presence of the employer or person having control and direction over the operation of the work place, the employee, and, if there is such, either a health and safety representative, a committee member who represents employees or a person authorized by the trade union that represents the employees.

Subsection 7: The inspector or engineer shall, following his investigation make a decision whether the machine, device or thing is unsafe for the employee to use or operate

or the place is unsafe for the employee to work in, or the machine, device, thing, or place is in contravention of The Industrial Safety Act, 1971, The Construction Safety Act, 1973, or part IX of The Mining Act or any regulations thereunder as the case may be, and shall notify the employee of his decision.

Subsection 8: Where an employee refuses to work or continues to refuse to work, the employer shall not allow another employee to replace him until such time as he has been advised to return to work under clause (c) of subsection 3, clause (a) of subsection 7, or section 6.

Mr. Laughren: At your direction, Mr. Chairman, I would speak to that amendment.

Mr. Chairman: Does the minister wish to explain the reasons for her amendment before we deal with the amendment to the amendment?

Hon. B. Stephenson: The reasons for our amendment are simply that in many work places, under the collective agreement existent in those work places, there is a mechanism already set up for dealing with this problem.

It would seem to us that in those areas in which this is set up and in which it is functioning effectively, it would be unwise to tamper with it. What we are suggesting is that where an acceptable mechanism under the collective agreement has been established, this Act should not take precedence over that agreement which has been decided upon between the two parties within that work place specifically.

That is my comment about mine. If you'd like me to comment about some of those amendments suggested by the opposition party, I would be pleased to do so.

Mr. Bullbrook: Go ahead. Do it.

Mr. Chairman: So that we can expedite matters—since we're going to vote on the amendment to the amendment first, all comment until we take that vote will be restricted to comment on the amendment to the amendment.

Mr. Laughren: Thank you, Mr. Chairman—I think.

We have moved this amendment because we believe that the health and safety committees have a major role to play in the whole question of occupational health. What subsection 3 does is establish or insert in the process, after a worker refuses to work, the role of the health and safety committee. The minister's bill does not do that.

This bill would have the health and safety committee come in to play a role at that point, when the worker decides that the place is unsafe. The worker then would go to the health and safety committee; the health and safety committee would investigate the conditions and either advise the employee to return to work or advise the employer what steps to take in order to improve the conditions. If the problem is still not resolved, if the employee still refuses or employees still refuse to work, the committee notifies the appropriate government inspector who would be called into play.

[3:45]

This is not an amendment which is popular with all workers or all trade unions. It puts a significant responsibility on the health and safety committees and I think that's appropriate. I think that along with the authority to refuse to work should go a responsibility to make a decision and that is what subsection 3 does.

Subsection 4, if I might move on with the amendment, establishes the committee's role in notifying the employer as well as the inspector. In subsection 3 the inspector has to be notified; in subsection 4 the employer must be notified.

In subsection 5, which is a new subsection and is not at all mentioned in the government bill, we are saying any tests that are required should be done; that there is an obligation on the part of the inspector to carry out any tests that are requested by either side, by the employers or the employees. I know this is done in the work place now—for example, in the smelters if the workers feel the emissions are too high or unacceptable, they can request that a test be made. What we are saying is that we want it part of this particular bill. That's why we have included subsection 5.

Subsection 6 details the role of the inspector or the engineer when that person comes in after a request by the health safety committee. Any tests are done in the presence of the workers or one of their representatives and we feel that that is necessary to outline specifically what is expected of the inspector when he comes into the work place.

Subsection 7 I would think is a controversial one within the ministry or certainly with the people who would be doing the inspecting, because it puts significant onus upon the inspector to make a decision. It says that when the inspector examines the work place, that inspector then makes a

decision as to whether or not it is safe or unsafe and notifies the employee of his decision. That's terribly important. I think that some inspectors would rather not go through that formal process of making that recommendation. I know that there are those in your ministry who would prefer that the inspector does an investigation and indicates what his opinion is and that after that the normal employee-employer relationship takes over and that they proceed as they will. We are saying that when the inspector or the engineer makes that investigation they must notify the employee of what they think should be done.

In subsection 8 we are saying that when a worker refuses to work that the employer not be allowed to send another worker in at the end of a shift, for example. When we were hearing submissions before the committee you heard the steelworkers local at Sudbury tell you of a man—and they named the man—who was told to go to work at a particular place in one of International Nickel's mines. That worker refused to go to work, was sent home and his replacement was killed. This subsection 8 states that the employer will not be allowed to send another employee in until he has been further advised.

Mr. Bullbrook: I would like to speak, I hope not unduly at length, but I want to premise my comments personally if I may. I want to confess I am not happy with this legislation at all. I am not happy with the results that might come from this legislation.

If this legislation is subscribed to by employee and employer in a reasonable and responsible manner, then it is fine legislation. But all it takes is one irresponsible individual to make chaos out of this legislation. As a result of my premise that I have voiced previously I want to say this, if I can, to my colleagues in the New Democratic Party. This legislation is tough enough to swallow and tough enough to administer and the practical impact of it on other employees and on business in general is difficult enough without burdening it with excess verbiage that has almost superhuman administrative difficulties and really doesn't effect any great benefit. I say with the greatest respect to them, I regard this particular set of amendments as purely verbiage.

Think of the last thing our colleague from Nickel Belt said: "We want to assure, in the last subamendment, that no one entering the work place to undertake the hazardous work previously undertaken by an employee who refused to work there will have to work there." I think the second workman will have all the benefits, all the rights, all the duties and all the responsibilities that the first workman had, and if there is a set of objective circumstances that prevailed wherein the first employee should not have worked, then the same will prevail as far as the second employee is concerned.

I use that only as an example of the fact that I for one am prepared, and this party collectively is prepared to evaluate amendments and to support those that are needed, but now I'm going to put to you a practical difficulty that I see, Mr. Chairman, in the first amendment. What is asked now in the New Democratic Party in its amendment is that when the employee makes the judgement that a thing is unsafe and so on, that immediately he refuses to work there shall be convened a meeting of the committee; that is, the health and safety committee.

I'm just trying to translate that into something that might happen at Polymer Corporation in the valley. In the middle of production, that on-stream production of a highly dangerous and volatile nature, the individual decides it's unsafe and makes his judgement, and let's premise that his judgement eventually under this statute will be found to have been a very valid judgement, valid in the assessment of his own condition and the condition of other employees. What I understand the amendment to be is that we'll convene the health and safety committee, one of whom might be half a mile away, one of whom might be 200 feet in a catalytic converter in the air. I'm just trying to point out by way of, I hope not exaggeration. The intention is protection. The second thing is the expedition of removing the offending unsafe conditions. The intention of the legislation is not to arbitrate on the spot who made the right decision. That isn't it at all.

I want to say to the New Democratic Party that the legislation it proposes would hurt the employees more than help them. If we're going to begin undertaking the arbitration proceedings then, I just really am vitally concerned with the other people who are in the middle of the plant waiting for six men or nine men to come together and make a decision on whether it is unsafe or not.

The fact of the matter is there has to be some type of flow of the decision-making process. I'm not entirely content with what's there, but that only reinforces the fact that I'm not entirely content with the legisla-

tion. I want to say, frankly, about this type of legislation that's put to us—even as amended, which I'm prepared to support—that I do want you to explain again to me the intention. I think I have it understood.

I just think we have to recognize frankly that this is new legislation. It's the type of thing where we're doing it for the purpose of protection. The premise, the total capture of our thought is the question of protection, not the question of the resolution of the employee's judgement. I ask my colleagues in the New Democratic Party to recognize that the implication of what they're proposing is, in effect, to attempt to make a judgement or a resolution of the propriety of the employee's judgement. That shouldn't be it. The situation should be to expedite remedying the situation.

Mr. Bounsall: If the minister wishes to reply to that at the moment, I could yield my place to her at this point. Did the minister want to respond?

Hon. B. Stephenson: No, I simply wanted to say that I had to agree with the hon. member for Sarnia that the purpose of this legislation is to provide for the most rapid possible remedy to difficult and dangerous situations and, indeed, that's the premise upon which the legislation was written.

There is nothing in this bill which would preclude the possibility of a role by any group of members of the health and safety committee or the entire health and safety committee if that is found to be a useful and expeditious mechanism for resolving these kinds of problems within the work place, but there are many instances in which this, as the hon. member for Sarnia pointed out, would be an inhibition. It would indeed prevent the reasonably expeditious resolution of problems and I think would slow down the provision of remedies in many situations.

It would seem to me to be much more sensible to allow each work place—the employers and the employees—to work out the mechanism which is best for them. This is why we specifically did not set down a step by step, breath by breath, moment by moment kind of outline which had to be rigidly followed in every single situation, because there are many variabilities in the work place situations throughout the province. What we are attempting to do is to provide as rapidly as possible a mechanism to resolve the difficulties and to supply the remedies. I would hope that all the members of the House would agree with the hon. member for Sarnia.

Mr. Bounsall: I find the minister's attitude on this one a little bit contradictory. When I spoke to her on the early part of section 2, my concern was with the provision of sufficient inspectors to be able to respond quickly enough when a right to refuse is exercised because of the machine, device and so. This section 3, subsection 2, is where, after consulting with the management, it appears to the worker that it is still unsafe—it's under this section, subsection 3 now, where the inspector must be called in. The minister in reply to me in terms of not knowing how many additional inspectors were needed, if any were needed at all, was in argument saying we are trying to get around having inspectors in the work place by having a lot of these things resolved on site.

This is the amendment which involves the existing safety committee on site immediately before one would call an inspector in and hopefully solve it at that point. This amendment of ours to section 3 of our amendment is the one which answers and speaks to the very point you raised. It involves the committee on site before you then call your inspector in. It involves hoped-for resolution on site before calling in your inspector.

In the present bill as written, what happens is once the worker has reported it, once there appears to be disagreement between him and his supervisor as to whether it's unsafe, in comes the inspector—if the worker still finds it unsafe. In section 3(2) is his right to refuse and in section 3(3) is where you call the inspector in.

No one else comes in and intervenes at that point unless it's for those plants in which there's a collective agreement. In that collective agreement, you in fact collectively agree that you will have this safety committee involved which we have proposed in our section 3. That possibility is certainly there, that a committee so formed either by—under this bill—direction by the minister, or the committee which they have agreed to across the bargaining table, if it is also agreed that they will be looking at the situation or members of the committee thereof.

[4:00]

I have no brief for calling the entire nine members together to have a look at this thing. I quite agree with that one comment by the member for Sarnia—you are not going to have a full committee meeting over it, getting people out of bed when they are on a different shift and so on to resolve this. I would think that any reasonable

minded committee—one so designated by the minister or one elected by the workers or chosen by management would be reasonable—would have members who would have expertise in given areas of the plant. It has a real potential of avoiding calling in your inspectors—and you haven't yet in this House given any guarantee that there are going to be any more of them in the province.

Mr. Roy: Don't get excited.

Mr. Bounsall: I am concerned that there are sufficient to meet the need around this province. Your reply was, "We have some committees to help resolve it at the work place." You haven't under this procedure at this point.

I would have thought, from what the minister had said, that she would be more than anxious, apart from what happens in a simple disagreement between the supervisor and the worker about whether it is safe, to have someone else at plant level concerned with safety come in and have a look and give some advice before they call in the outside inspectors. This is the force of these amendments.

I would think the minister—I don't know how much time she spent considering this point. Her answer to me in the previous section may well have been different if she had. I would ask her to consider that very seriously.

If I could just comment—I'm not running through all the clauses we have presented at this point—the section 7 we have introduced speaks to section 4 of the ministry bill. I remember in committee, when we were hearing submissions, one of the things which seemed to interest the minister greatly was what happened when the inspector or engineer comes in and finds the operation to be safe in his opinion. Under this legislation nothing need be done as I see it here in this Act.

If the minister is saying that The Industrial Safety Act, The Construction Safety Act and part IX of The Mining Act direct them quite clearly to indicate to the employee in no uncertain terms that whatever the condition or machine he was complaining about, it is safe and he must therefore return to it—if she can point that out under those three Acts I would be happy to have her do so. You are caught in the conundrum that if he finds it unsafe, under the present situation and under your present Act things follow. He indicates it is unsafe; he gives a directive; the directive gets posted and so on.

We are missing one chief point here. What if, in his opinion, he finds it to be safe? What happens then? This is what we are doing in section 7 of our amendment—just having an inspector, when he finds the condition in essence to be safe, notify the employee of that decision. You have the situation covered if he finds it to be unsafe but you have not got the situation covered if he finds it to be safe.

My reading of those three Acts—The Industrial Safety Act; The Construction Safety Act; and part IX of The Mining Act—does not indicate to me that the inspector indicates to the employee that it is safe. Let's face it, there may be some very small percentage—I would say less than one per cent—of irrational complaints about something being safe so one has to accept that a complaint about a particular device or situation means the worker really believes it to be unsafe for some reason and he needs reassurance. You call in the inspector. The inspector can tell him why he feels it to be safe if he finds it to be. As far as I read the legislation, that is a real lack in it. I commend that subsection 7. In essence, it makes a small addition to the present section 4 in the Act to the matters to be brought to the minister's attention so that when something is found safe the employee is in fact notified.

Hon. B. Stephenson: It is precisely that rigidity introduced by the series of steps spelled out in the amendment of the New Democratic Party that I felt was inappropriate in the introduction of this legislation. There is a multiplicity of mechanisms which will be established in various types of employment situations; in some where the committee will function, in others where the safety representative will function and in others where one member of the committee or something of that sort will function. We do not believe that at this time that should be rigidly set down and etched in stone so that each employment establishment has to follow one set pattern.

The problem is the one of remedying situations and keeping the work place safe. Whatever we can do to make it function as rapidly as possible is what we should do. Establishing a set of absolutely rigid steps which must be followed in order to do this is not a means nor a method of ensuring the speed with which the resolution will be found. In addition under the existing Act, as you very well know, the directions in any unsafe condition are left immediately with the employer in that establishment. Under

this Act, the employer must let the employees know immediately that the condition is unsafe or directions have been left. If there are no directions and nothing is left by the inspector, then obviously the situation is a safe situation.

Mr. Bounsall: I don't find that really too acceptable. If he's not made a decision that it's unsafe, if he's not found it to be unsafe, then his decision is that it's safe.

Mr. Bullbrook: Mr. Chairman, on a point of order, without objection our colleague from Windsor-Sandwich got on to section 7. He's directly on section 7. If he wants to argue with the minister the propriety of her response with respect to his out-of-order comments on section 7, so be it when we get to section 7. But we're never going to get finished.

Mr. Bounsall: On the point of order, it has been accepted that the amendment to the amendment is the one that we are discussing now and we're discussing all of them.

Mr. Bullbrook: Let's get on with it. Goodness gracious.

Mr. Bounsall: It so happens that subsection 7 speaks to subsection 4 of the minister's bill.

Mr. Bullbrook: But the problem is you keep saying the same thing over and over again.

Mr. Bounsall: You set up some of these careful procedures in this Act and I just can't see why in this particular area you can't finish it off and say if he's found it to be unsafe for heaven's sake tell the employee directly.

The one other question which I have with respect to the minister's reply is: In the formation of the committee is the minister saying, when she indicates the various multiplicities of routes that can be taken here, that if this one section of the bill carries, when she is designating the various safety committees to be formed around the province, in the formation of some of those safety committees and in her directions with respect to safety representatives, in some of those situations she has in mind to say it's her feeling they should check with that safety representative or that safety committee before they come to the inspector?

Hon. B. Stephenson: In some situations that would be entirely appropriate and in others it would not. That is certainly the intention.

Mr. McClellan: Let me just say one thing with respect to the minister's argument that we're introducing a kind of rigidity that isn't in the bill. I don't accept that; I don't see that. You have set out a series of steps, and whether you like it or not the steps are there and they will be followed in subsections 1, 2 and 3. You don't have a role in your steps for the health and safety committee. We have introduced that role, and it misunderstands what we are trying to do to say that we have introduced the kind of rigidity you say.

There is a normal sequence of events that will unfold when a worker identifies an unsafe condition, and we are simply saying that it is better as a goal to seek to resolve the dispute at the plant at the level of the health and safety committee rather than to establish the pattern of relying on outside enforcement to resolve the dispute. That's the point that we are trying to make.

Mr. Bullbrook: I just want our colleagues in the New Democratic Party to understand that the minister is trying to convey to them that there is nothing illegal about the employees dealing with the health and safety committee. That's all she is saying.

Interjection.

Mr. Laughren: In response to the two Ministers of Labour, all we are attempting—

Mr. Ruston: You recognize talent.

Mr. Bullbrook: We certainly have ministerial capacity here.

Mr. Acting Chairman: Order, please.

Mr. Laughren: Thank you, Mr. Chairman.

Mr. Reid: You'd think they were against the bill.

Mr. Laughren: As a matter of fact, we have an obligation to improve the bill.

Mr. Bullbrook: Who worded these amendments anyway, for goodness' sake? They are the worst I have seen.

Mr. Laughren: We really do have an obligation to improve the bill.

Interjections.

Mr. Acting Chairman: Would the member for Nickel Belt address his comments to the Chair?

Mr. Laughren: Mr. Chairman, it really does seem that whether it is because the minister is the author herself of the existing bill or whether or not she has only been around

for a year or so, I'm not sure of the reason, but she seems to resent our attempts to play our legislative role; namely to improve government legislation.

I don't understand that. All we are saying in this amendment is that instead of going directly to a government inspector on a refusal to work—who knows whether they will have enough government inspectors or not—we bring in the workers themselves and try to resolve the dispute in the work place. Surely that is a positive step? That's not rigidity. As a matter of fact, it should make it much more acceptable to the minister. I think it's a much better idea and I would ask her to support our amendment.

Mr. Acting Chairman: Shall the amendment to the amendment carry?

All those in favour say "aye."

All those opposed say "nay."

In my opinion, the nays have it.

I declare the amendment to the amendment lost.

Interjections.

Mr. Acting Chairman: I didn't see any members stand.

We will now vote on the amendment proposed by the minister to section 3, subsection 3.

Hon. B. Stephenson moves that subsection 3 of section 3 of the bill be amended by striking out "refuses to return to work" in the first line and inserting in lieu thereof, "continues to refuse to use or operate the machine, device or thing or work in the place or having returned to work in compliance with the express provisions of a collective agreement binding the employee files a grievance concerning his right to continue to refuse to use or operate the machine, device or thing or work in the place."

Mr. Haggerty: Mr. Chairman, could we have a definition of "thing"?

Mr. McClellan: It's the same as a body.

Hon. B. Stephenson: It is my understanding that it is not the same as a body. It is something to do with a mechanical effort or a piece of an instrument, a piece of machinery, something which one individual can move in order to provide some kind of physical effort in an establishment. It is not the same as a body because a body can be a multiplicity of things, apparently.

Mr. Bounsall: It's a whatchamacallit.

Mr. Acting Chairman: All those in favour of the amendment to section 3, subsection 3 will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Motion agreed to.

[4:15]

Hon. B. Stephenson: Could we now revert to section 3(1)?

Mr. Acting Chairman: Hon. B. Stephenson moves that subsection 1 of section 3 of the bill be struck out and the following substituted therefor:

"Where an employee in a work place refuses to use or operate a machine, device or thing, or refuses to work in a place therein because he has reasonable cause to believe that the machine, device or thing is unsafe to use or operate because its use or operation is likely to endanger himself or another employee, or the place is unsafe for him to work in, or the machine, device or thing or place is in contravention of The Industrial Safety Act, 1971, The Construction Safety Act, 1973 or part IX of The Mining Act or any regulations thereunder, as the case may be, he shall forthwith report the circumstances of the matter to his employer or the person having control and direction over him who shall forthwith investigate the report in the presence of the employee, and if there is such, in the presence of a safety representative, or a committee member who represents employees or a person authorized by the trades union that represents the employees."

Hon. B. Stephenson: Mr. Chairman, I inadvertently used the plural of "employee" as the final word in that amendment. It is "employee."

Mr. Laughren: Perhaps the minister could move section 3(2) at the same time so that we can deal with them together.

Hon. B. Stephenson: Yes, I could because the same amendment should prevail in both sections. It is the amendment which provides the employee the right to refuse to operate or work if what he is doing is likely to endanger another employee.

So, might I then move at the same time—

Mr. Acting Chairman: Excuse me, Madam Minister. Is it the pleasure of the committee to consider both amendments at the same time?

Agreed.

Mr. Acting Chairman: Hon. B. Stephenson moves that subsection 2 of section 3 of the bill be struck out and the following substituted therefor:

"Where the employer or the person having control and direction over the employee disputes the report or takes steps to make the machine, device or thing or place safe or comply with The Industrial Safety Act, 1971, The Construction Safety Act, 1973, or part IX of The Mining Act or any regulations thereunder, as the case may be, and the employee has reasonable cause to believe that the machine, device or thing is or continues to be unsafe to use or to operate because its use or operation is likely to endanger himself or another employee, or the place is or continues to be unsafe for him to work in, or the machine, device, thing or place is or continues to be in contravention of The Industrial Safety Act, 1971, The Construction Safety Act, 1973, or part IX of The Mining Act or any regulations thereunder, as the case may be, he may continue to refuse to use or operate the machine, device or thing or work in the place unless a collective agreement binding the employee expressly provides otherwise."

Mr. Haggerty: You have dropped the word "him." Is that what you have excluded from the amendment?

Mr. Bullbrook: Which one?

Mr. Haggerty: In subsections 2 and 1; in both of them I thought I understood the minister said "to be unsafe to use." You dropped the words "for him." Is that it?

Hon. B. Stephenson: I'm sorry, if I said that, Mr. Chairman: " . . . be unsafe for him to work in, or the machine, device, thing or place is or continues to be in contravention . . . " Is that the area?

Mr. Haggerty: Yes, in your amendment you dropped the word—

Hon. B. Stephenson: I'm sorry, I did not drop the words deliberately. If I did it, I did it inadvertently and incorrectly.

Mr. Haggerty: Because I was going to suggest the word "employee" instead of "him."

Mr. Bullbrook: Along the line of construction—I have no objection; it's just complementary to our amendment to section 2. I'm concerned frankly with the fact that the fact that we refer to an employee when in fact we have two employees, although I don't know whether that will ever cause anybody any trouble. For example, "or a person authorized by the trade union that represents the employee." Now, we have two employees: We have the employee who is about to undertake work that might adversely affect another employee; so we've got two employees. Just for the sake of undertsanding and construction, he—the employee—comes "in the presence of . . . a safety representative" and so on. Which employee?

Hon. B. Stephenson: The employee who refuses to work.

Mr. Bullbrook: So it isn't necessary that the employee be there who might be adversely affected by the unsafe condition?

Hon. B. Stephenson: No.

Mr. Bullbrook: Well, that's worthy of some thought, I think, on our part. It might not cause any trouble. I'm interested in whether our colleague from Nickel Belt thinks it would. In effect, you've got A, who says: "I will not work on this job because the job might have an adverse effect on B." So it's only A who comes to grips with an analysis with the safety representative. Is there any necessity for B to be there? I take it not, probably not. I thought I'd clarify it in my own mind.

Mr. Moffatt: And did you succeed?

Hon. B. Stephenson: Mr. Chairman, I think of the example which has been used with some frequency by the hon. member for Hamilton East, that of the crane operator at Stelco. Certainly it is the crane operator who makes the decision, because his knowledge of that machine is such that he is aware of whether that machine will endanger other people. He is also aware that it's not likely to endanger himself at all, but his refusal is on behalf of the other employees.

Mr. Laughren: I might say that to have the section worded otherwise, which I gather the member for Sarnia was implying, that there would have to be consultation with the other employee, would be unthinkable—

Mr. Bullbrook: No, after the fact—after the cessation of work.

Mr. Laughren: Oh, I'm sorry. Okay. Dispensing with that remark then, I would say we are very pleased with the amendment. We would have included the work practice, the emissions and so forth, which were in our amendment, but I certainly hope the Act will be interpreted in the same way as our amendment read; namely, that if an employee has

reason to believe—whether it affects himself or another employee—that that work place is unsafe, the employee has that right and there is no need, I hope, to tie it down any tighter than that. But we are very pleased that the minister has accepted the spirit of our amendment.

Section 3, as amended, agreed to.

Mr. Acting Chairman: Hon. B. Stephenson moves that section 4(1) of the bill be amended by striking out the phrase "or a class or group of employers as defined in the order" in the second and third lines thereof.

Mr. Laughren: Will the minister speak to that?

Mr. Bullbrook: I have an amendment I'd like to make to the amendment. I want to express my concern, as I have in committee. Do you mind if I premise my amendment to the amendment with remarks prior to putting it, Mr. Chairman, or would you prefer that I put my amendment first?

Mr. McClellan: You can't do both.

Mr. Acting Chairman: I don't see anything wrong with prefacing it with remarks.

Mr. Bullbrook: I expressed in committee and continue to express the discretionary aspects of this section—the word "may." The intention of the legislation should be that the minister shall establish joint health and safety committees. As I said in committee, it's not a reflection on the way the present minister undertakes her responsibilities. We write law not for the incumbent minister; we write law for all Ministers of Labour in the future until another Legislature decides to remove the appropriate power or the appropriate discretion from the minister.

I feel two things with respect to the section. First of all, it should be mandatory. If there is a business operating in Ontario, no matter what its size—I don't care whether there are three employees—which doesn't have a joint health and safety committee we have an obligation. If, truly, we feel our obligation to each employee in the province of Ontario is to protect his or her health and safety, then we can't afford the numbers game, notwithstanding the numbers used in the legislation and notwithstanding the arbitrariness of the numbers used in the New Democratic Party's proposed amendment which will eventually come before us.

I want to couple that with the concern I have that you don't interfere with existing joint health and safety committees. I think it's the intention of the present minister to respond by saying, "If there is in existence a joint health and safety committee which is doing its job, then that's the very intention of the word 'may.' I don't have to structure a new committee there." On the other hand, the use of the word "may" in the present section gives the alternative arrangement even if there is no adequate joint health and safety committee.

As a result I think we require an amendment which does two things: One, it gives the minister the ability not to interfere with existing joint health and safety committees which are doing their job. Who should decide whether the committee is doing its job? The employee, a group of employees, or the collective bargaining agent representing the employee? Or, on the other hand, the employer? Or either or any of them? That's the intention of my amendment.

The intention of my amendment is that if you have in being a joint health and safety committee which all parties are content with then, of course, the minister will not interfere with it. But where you have either no joint health and safety committee in being or any of the parties are not content with the efficacy or adequacy of the joint health and safety committee, then the minister shall appoint. That's the intention of what I put forward.

Mr. Laughren: On a point of order, Mr. Chairman, if I might—not to be unduly rigid but I would hope that we would deal with the minister's amendment. I understand we were debating the minister's amendment to section 4 before we proceeded with another amendment. Is that not correct?

[4:30]

Mr. Bullbrook: I had intended to put an amendment to the amendment but I haven't put it yet and I think probably my colleague from Nickel Belt is correct. I would think it might be more appropriate for the member for Nickel Belt to move an amendment to the amendment because, really, his amendment, as proposed, is more in the nature of an amendment to the amendment than mine is. In effect, mine is really the establishment of a new concept under the section. So I go along with this. I haven't made my amendment yet. You permitted me, Mr. Chairman, to speak on what is in the nature, I suppose, of a comment with respect to the original amendment.

Mr. Laughren: I wanted to speak against the minister's amendment. That's what I was hoping to do with your permission, Mr. Chair-

man. The minister in her amendment has taken out the term "class or group of employers." That is basically what she has taken out, as I understand her amendment, and that bothers me because, if the minister was to accept the amendment which I shall be putting to the committee, my concern about a group or class of employers would not be there because it would be covered by our amendment.

What is bothering me is that the minister intends to prevail with the present bill which says that the minister may by order in writing require, et cetera, the establishment of joint health and safety committees. My concern is that because they are not mandatory committees the thought of the minister sending out 100,000 letters requiring the mandatory establishment of health and safety committees would be rather awkward. What I am wondering is why she would want to take the term "class or group of employers" out when it would make the job so much easier, if the bill is going to remain unamended.

In other words, if the committee does not accept our amendemnt, then it is going to require an awful lot of letters. It would surely expedite the establishment of joint health and safety committees considerably if the minister could designate a class of employers or group of employers as needing safety and health committees.

For example, it would be very simple for the minister, rather than sending a letter to every mining operation in the province of Ontario to designate the mining industry as a group of employers which shall establish a joint health and safety committee. I see no reason for taking out "class or group of employers." That's why I interjected before the minister sat down as to why she was not going to speak to her amendment, because it does confuse us somewhat.

Hon. B. Stephenson: I think there is a very valid reason for removing the class or group of employers as defined in the order. I have looked at all of the classifications of employers throughout the province and have not found a single group in which there is not one health and safety committee. In every single class there are health and safety committees. Therefore, it would be rational, it would seem to me, to exclude from the legislation any words which might say that one had to appoint health and safety committees for an entire class of employers in the province, because in many of these instances the health and safety committees are functioning very well, very efficiently and to the benefit of the employees in very large measure.

It would be much more sensible, it seems to me to make the decision on the basis of the individual merit of each case, of each employer. I classify employers as an employer who may have three or four different establishments. It is still the same company and therefore it is still the same employer. But that is not a group of employers. It is an employer. I think a class of employer, as we have presently classified them in this province, would be a very unwieldy and unworkable way in which to establish health and safety committees.

I think it's far better for the minister, upon the advice of those who are really knowledgeable about it, including the employees who work within that establishment, as a result of complaints from the advice of the inspectors who inspect each of the establishments and from the advice of the director of the occupational health and safety authority within the Ministry of Labour, to decide on the merits of each individual case for each individual employer the requirement for the establishment of a health and safety committee.

Mr. Laughren: I don't like to be so blunt but the minister is wrong. There are industries in this province—

Hon. B. Stephenson: Name me one.

Mr. Laughren: The forest industry.

Hon. B. Stephenson: The forest industry has health and safety committees.

Mr. Laughren: That is correct, but there are many forestry operations in the province of Ontario where they do not have safety and health committees and it is about those very operations that we are concerned. That is why we are saying make them mandatory.

Hon. B. Stephenson: Exactly, but that is what I am concerned about.

Mr. Laughren: You don't even know who they all are. You don't know the behaviour of Chapleau Lumber up in Chapleau. You have no idea.

Hon. B. Stephenson: I certainly do.

Mr. Laughren: You certainly do not—well, perhaps that particular one because it was brought to your attention. I will say there are many small operations across northern Ontario in the lumbering industry which you don't even know exist. If you were to

say the onus is upon this class of employer to establish safety and health committees, you would have gone at least part way to making the employers of the province realize that they have a responsibility to establish those health and safety committees. You're putting the onus on the people who should have it.

Mr. Bullbrook: Do any of them have fewer than 10 employees?

Hon. B. Stephenson: Yes.

Mr. Laughren: I would say not likely.

Hon. B. Stephenson: Yes, some of them do.

Mr. Bounsall: Speaking to this point, I would think that the minister, in what she's trying to address here, would be better advised to leave class in. If she's now made a thorough search and she knows which of those employers in let's say, the forest industry and which of those public utilities above a certain size—to use the example that impressed me before our committee about the need for a class being designated—have them in Ontario, the order would simply say—perhaps she could make it quite general —"all those public utilities in Ontario, except those which, by December 1, 1976, already had a functioning safety committee will now form them." I would think that with the order indicating an entire class, she could very quickly exempt, with half a line, those which already are in existence and which she feels are therefore working properly.

The example that impressed me was that of the public utilities commissions in Ontario, and we should not miss the opportunity to be able to say to them, "You should have safety committees." We were so clearly told by the spokesman for the IBEW that there are certain utilities which don't have them. There is a rule book, a sort of safety practice book, which is given to utilities but each utility can choose whether or not to follow it and more than quite a handful do not bother to follow it.

Their membership on utility safety or provincial safety committees whatever they are called, is purely optional. There are utilities which go in and out of it—they belong for a while then don't belong for a while and so on. That whole situation with respect to electrical work or small utilities in the utilities field across the province begs to be designated as a class if the bill carries as it is before us.

The minister can very easily exempt those which have them by saying, for example "This designation will apply to public utilities and employers, except for those which already have them or have them by such and such a date." To lose that flexibility in this case—as it's written this is a more flexible arrangement and you can designate a whole class except for those which have them. Otherwise you would have to sit down and send separate individual letters to the different public utilities commissions and so on across this province where that obviously is a matter of concern. It seems to me this is the more practical thing.

I would think the member for Sarnia, who spoke but didn't make the amendment so that it would read "the minister shall require employers to establish joint health and safety committees" and so on also would like to see that class or group remain in there in case his "shall" replacement for "may" didn't carry. I can't see any reason that we in this party wouldn't support the substitution of "shall" for "may" which is what his amendment appears to be. It simply causes safety committees to be formed, period, across the province irrespective of the size, although I don't know whether one could effectively do it with only three members. But certainly, speaking to your amendment, I think you are losing flexibility by removing this class or group of employees.

Mr. Laughren: Is it appropriate to move at this time an amendment to the amendment without pre-empting anyone, Mr. Chairman?

Mr. Acting Chairman: It is with the clerk?

Mr. Laughren moves that section 4 of the bill be struck out and the following substituted therefor:

"(1) Every employer of 10 or more employees shall establish a joint health and safety committee or committees for a work place or any part or parts thereof.

"(2) A committee shall consist of not fewer than two and not more than 12 persons of whom at least half shall be employees who do not exercise managerial functions to be selected by the employees they are to represent or, when there is a trade union or trade unions representing such employees, by the trade union or trade unions.

"(3) The members of the committee shall elect two of the members as co-chairpersons, one of whom shall represent the employees, one of whom shall represent the employers.

"(4) It is the duty of the committee and it has power to,

"(a) identify situations that may be a source of danger or hazard to employees;

"(b) make recommendations to the employer and employees for the improvement of the occupational health of employees;

"(c) establish and maintain programmes, measures and procedures respecting the health and safety of employees and monitor their effectiveness;

"(d) obtain information from the employer or other persons respecting,

"(i) the identification of potential or existing hazards of materials, processes or equipment, and

"(ii) health and safety experience and work practices and standards in the same or similar industries,

"(e) maintain and keep minutes and records of its proceedings and it shall make the same available for examination and review by an inspector or engineer.

"(5) It is the duty of an employer to provide such information requested under clause (e) of subsection 4 as is in his knowledge or possession.

"(6) An employer shall post and keep posted the names and work locations of the committee members in a conspicuous place or places where they are most likely to come to the attention of his employees.

"(7) A committee shall meet during working hours at least once a month or when either of the co-chairpersons or two or more members deem necessary, or whenever it is deemed necessary.

"(8) A member of a committee is entitled to such time from his work as is necessary to attend meetings of the committee and all time taken for committee work shall be deemed to be work time."

Hon. B. Stephenson: What the hon. member for Nickel Belt has done effectively is to amend the entirety of section 4 from subsection 1 to subsection 7 and we do have some minor amendments to propose for subsection 3 and subsection 4(c). I am not sure how the Chair proposes to deal with the confusion and discombobulation which the hon. member for Nickel Belt has introduced, but be my guest.

Mr. Laughren: The confusion was not introduced by the member for Nickel Belt.

Mr. Reid: Just added to.

Mr. Laughren: That rests in the minds of the members of the committee. I would just say, if I might speak to the amendment, that we have done something that I think is terribly important—we have done two things actually. One is that we have made the committees mandatory and, two, we have put the onus on the employer to establish the health and safety committees.

Mr. Bullbrook: Mandatory in some circumstances.

Mr. Laughren: Well, 10 or more employees or any other time when it is deemed necessary.

Mr. Bullbrook: But that is not mandatory, "when it is deemed necessary."

Mr. Laughren: But the point is, Mr. Chairman, that the thought of the minister mailing out letters to all places of employment across Ontario I think is not acceptable to us. It just puts the onus on the employer to establish health and safety committees, if there are 10 or more employees.

[4:45]

I think that that is an amendment that the minister should be able to live with. In the first instance, we were considering having the minister direct them to establish health and safety committees, but on very great reflection we decided that it would be better if the onus was on the employer to establish the committees. There is a section in the bill that allows existing committees to operate and, of course, that is what happens now. You will note in section 3 it says the members of the committee shall elect two of its members as co-chairpersons. That is what happens in many of them and they operate very well that way.

In our amendment where we outline the duties of the committee, there is a section in there that the minister will not be happy with, in which we say that the committee can establish and maintain programmes. I know that the minister is amending the existing bill so that the committee does not have that right. She sees the committee rather in an advisory capacity. We see it as being more influential than that. We see the need for safety and health committees, as time goes on, to obtain proper funding so that they can operate more effectively.

Throughout this bill, I might say to the minister, we have put greatly increased responsibilities on the health and safety committee. We have not said during this bill through our amendment that we want the health and safety committees to have increased authority without a commensurate increase in responsibility. We think that that is a good aspect of the bill. It is an indication that we believe workers in general are not frivolous and are not irresponsible. Cer-

tainly the message that came through during the submissions to the committee was the fears of the employers across Ontario that the rights in this bill would be abused and there would be frivolous and vexatious refusals to work.

We certainly do not feel that way. We have also included in the amendment in subsection 5 the requirement that the employer provide any information requested by the committee because we feel it is terribly important that this be done. We know, for example, right now that employers have information they are not sharing with the employees. Surely that should be required under this bill. Also the names and work locations of the committee members should be posted so that everyone knows who they are so that they can get in touch with them.

We have also said in subsection 7 that the committee should meet during work hours at least once a month or when either of the co-chairpersons or two or more members deem it necessary. They could have just had a meeting when an incident arose and the committee would feel they should meet. This would give that right to the committee.

Finally, in subsection 8, we feel that if a safety and health committee meeting started at 3 o'clock and the normal shift ended at 4 and the committee meeting went on until 5 or 6, the committee members should be regarded as working during those extra hours. For that reason we have included subsection 8 which would pay the members of the safety and health committee as long as the meeting was going on.

Mr. Bullbrook: I think nothing impressed me more during the currency of the standing committee hearings than the integrity of purpose and sincerity of all members in the concern expressed for every employee in the province of Ontario and for his or her health and safety. I want to say to you they didn't delineate whether that person worked for General Motors or was a mechanic or worked on Yonge Street in Toronto. They were concerned with the fact that the paramount consideration is not the numbers game but the health and safety of employees in Ontario.

I am going to say to the members of the New Democratic Party that I recognize they tried to come to some logical conclusion. I don't think you can have it both ways. You are concerned with the health and safety of employees, no matter the size of their employer, or not. This legislation has to be mandatory. It cannot be relatively mandatory. It cannot be comparatively mandatory. And the fact is this is not mandatory.

Mr. Dukszta: I agree.

Mr. Bullbrook: The amendment that is proposed by the New Democratic Party delineates a criterion that's not acceptable to us in the Liberal Party.

Mr. Bounsall: Place your amendment.

Interjection.

Mr. Acting Chairman: Order, please. The member for Sarnia has the floor.

Mr. Bullbrook: I say to the member for Windsor-Sandwich, I wanted to talk for a few minutes. I'll place the amendment afterwards.

Mr. Bounsall: Place your amendment, we might support it.

Mr. Bullbrook: One doesn't have to become vicious and turn, through you, to others and say, what kind of crocodile tears did you shed in front of that organized unionism that came before us in the standing committee, when you all, collectively and individually, bled for the working man in Ontario? And now you're prepared to deprive those working men who work for employers with fewer than 10 employees of the benefits of this legislation. You can't have it both ways.

Interjection.

Mr. Bullbrook: The fact of the matter is this: Those committes have to be mandatory unless the employee is content with the structure of the present and existing health and safety committees. I want to tell you, I for one will not go along with this type of amendment. It removes the protection that should be there under this statute from a significant segment of the employees of Ontario, and I for one don't understand how the New Democratic caucus could have rationalized themselves into this position.

It's easy enough to say it's too much of an administration burden, but the fact of the matter is that this legislation should not be digested in the context of administrative burden. If the Ontario Federation of Labour were correct in their submissions to us, they said, in effect, this legislation doesn't go far enough.

If we're going to undertake that protection we'll undertake it to all, subject to this jurat only: that is, where those people in a work place are content with the existing function, any or all of them being not content, then the

minister should be obliged to impose the structure that's anticipated under this legislation. So when you talk about sending out 1,200 or 12,000 letters with respect to the legislation, I don't know how many there will be. I don't give a tittle how many there will be.

The fact is, happily, that in major industries in Ontario there has developed an existing liaison between employer and employee, on the business of health and safety. I saw tragic examples of it that my colleagues, especially those from the north, are much more acquainted with than I; but may I say that I like to feel that the majority of industries and the majority of trade unions in Ontario have undertaken a responsible reciprocity and liaison with respect to this. I know they have in my "chemical valley," in the area that I represent. They look with pride to the liaison that's taken place. And, frankly, they look with some degree of disdain and trepidation upon a structuring of a committee that doesn't have to be structured. But if any individual is not content with the protection they're getting, with the representation they're getting, with the effectiveness that they're getting, then that's the type of amendment we want.

I'm also concerned—and I've got to voice this, although it doesn't cause me nearly the concern that the first part does. I'm concerned about that old Diefenbaker validity; that is, when you attempt to delineate responsibilities, you sometimes forget some and you sometimes restrict the abilities of those people to whom you want to give significant and broad powers. It doesn't cause me that much concern because, frankly, the sub-heads seem to be almost all-embracing. I would have liked to have seen some sort of phrasing that would provide for a true generality in connection with their obligation, but I'm not vitally concerned with that.

I want to say I am just not prepared, notwithstanding the administrative problems, to relieve the government or an employer of responsibilities under this section, because of a judgement made with respect to numbers. I made that clear when we talked about it in principle and I'm going to close by saying I can understand the problems involved. I ask you to consider the amendment that I intend to propose. The amendment that I intend to propose will have the effect of two things: It will permit the continuation of the function of existing health and safety committees where all parties to the employment factor are content—

Mr. Chairman: We can't really discuss an amendment that isn't before us yet.

Mr. Bullbrook: I realize that.

Mr. Ferrier: When are you going to put it?

Mr. Bullbrook: I'm going to put it when I have the opportunity, but if you will bear with me, Mr. Chairman, and believe me, I think I have some validity here. I'm trying to point out the two basic weaknesses that I see in the NDP amendment. I'm trying to, not necessarily enunciate what my amendment is, but to point out what I would like to see. What I would like to see is, first, a lack of interference with an existing joint health and safety committee where all parties to the employment factor are content with the operation of the committee; and secondly, where any or all of them are not, that the minister must mandate a committee.

Mr. Laughren: Never let it be said that the New Democratic Party would oppose mandatory health and safety committees, period. If the member wishes to put that amendment, I offer him every encouragement. I would just point out that—

Mr. Bullbrook: On a point of order, I have been asked and I apologize to you—

Mr. Chairman: There is really nothing out of order, so there's no point of order.

Mr. Bullbrook: Thank you, but may I say this to you, by way of a point of order—

Mr. Chairman: There is nothing out of order, so there can't be a point of order. You will have an opportunity to speak as soon as I recognize you. We use points of order and points of privilege far too frivolously, both in the House and in committee. So if there is nothing out of order, there can't be a point of order. I'll recognize you as soon as the member for Nickel Belt sits down.

Mr. Bullbrook: Mr. Chairman, I appreciate that and I do appreciate the task that you undertake and your ability. I didn't realize that you were totally clairvoyant.

Mr. Chairman: If there is nothing out of order in the committee, there can't be a point of order. It's just as simple as that.

Mr. Bullbrook: I'd like the opportunity to put the point.

Mr. Chairman: The hon. member for Nickel Belt.

Mr. Laughren: Mr. Chairman, speaking to the amendment which I placed a few moments ago before you returned to the chair, it does state that committees will be mandatory in

places of work where they have more than 10 employees. When we drafted that amendment we were concerned about places of work where there were fewer than 10 employees, and that is why our amendment to section 6 of the bill includes places of work where there are fewer than 10 employees. So I would be quite willing to hear, and look forward, as a matter of fact, to hearing the proposed amendment by the member for Sarnia about mandatory safety and health committees, and I look forward to supporting his amendment if at all possible.

Mr. Bullbrook: I want to speak, not to a point of order, but I want to answer both my colleague from Nickel Belt and others who said, "When are you going to put the amendment?" I want to point out to him that I've been told by the chairman of the whole House that it is out of order to put three amendments in a row.

Mr. Chairman: You are absolutely correct.

Hon. B. Stephenson: Mr. Chairman, I think it is imperative that I rise to speak on at least the first part of the amendment proposed by the hon. member for Nickel Belt again.

Mr. Chairman: It being 5 o'clock, so that we don't encroach upon the time of the private members' hour, perhaps the minister might leave that over.

On motion by Hon. Mr. Welch, the committee of the whole House reported progress and asked for leave to sit again.

[5:00]

PRIVATE MEMBERS' HOUR:

LABOUR RELATIONS AMENDMENT ACT

Mr. Stong moved second reading of Bill 184, An Act to amend The Labour Relations Act.

Mr. Stong: The purpose of introducing an amendment to The Labour Relations Act, which creates a bargaining unit of hospital pharmacists, arises out of a decision of the Ontario Labour Relations Board wherein hospital pharmacists have been required to join a combined paramedical and technical bargaining unit.

Over a year ago an application for certification before the Ontario Labour Relations Board, specifically regarding the Stratford General Hospital, was initiated by both the Association of Allied Health Professionals of Ontario and the Ontario Public Service Employees' Union. From the outset it was known to be a precedent-setting case, for here in this particular case, the Stratford General Hospital case, the OLRB was to decide if professionals and technical personnel were compatible in a total paramedical unit or whether two distinct units should be categorized: (a) professional and (b) technical.

The council of the Ontario branch of the Canadian Society of Hospital Pharmacists responded to the concern of its members and investigated all the avenues for representation at the hearing. Legal counsel was obtained and for one month pharmacy was the only professional society recognized by the OLRB to present evidence and cross-examine witnesses. The pharmacists involved—the single hospital pharmacist for the Stratford General Hospital—withdrew her objection at the hearing for personal reasons, and so direct society representation was effectively blocked. However, the society was directed to present a brief to the board and this was done.

After five month of hearings and another four months to deliberate on the evidence presented, the decision of the OLRB was published on September 28, 1976. In short, the paramedical unit was awarded to OPSEU. The paramedical unit was defined in that decision to include occupational therapists, registered technologists, non-registered technologists, pharmacists, physiotherapists, registered technologists, radiological technologists—radiography and nuclear medicine, respiratory technologists, social workers, psychometrists, psychologists, charge technologists and clinical instructor—radiology.

The key issue resolved in this hearing indicated that there was not sufficient distinction between professional and technical personnel with respect to collective bargaining purposes. It is on the basis of that decision on September 28, 1976, that I introduced the bill to amend The Labour Relations Act setting up Ontario hospital pharmacists in their own distinct, single bargaining unit.

Pharmacy as a self-governing profession has had a long and distinguished history in the province of Ontario. The College of Pharmacy as a self-governing, licensing body, was first established in 1871 by The Pharmacy Act and the college began its teaching function in 1882. The teaching function of the college was transferred to the University of Toronto in 1953 when the faculty of pharmacy was created. The present educa-

tional requirements for pharmacists in Ontario are the attainment of the equivalent of the degree of Bachelor of Science in Pharmacy at the University of Toronto which is a four-year course, the successful completion of examinations prescribed by the pharmacy examining board of Canada and the completion of 12 months of in-service training. Today pharmacy is recognized as one of the senior health disciplines in Ontario under The Health Disciplines Act of 1974, together with medicine, nursing, dentistry and optometry. The code of ethics of the Ontario College of Pharmacists is a legally enforceable code, the violation of which can result in suspension or cancellation of a pharmacist's licence to practice.

The hospital pharmacist is a member of one important committee which does not contain members of the other disciplines, namely the pharmacy and therapeutic committee. In essence, the functions of the pharmacy and therapeutic committee are to select and approve the drugs supplied for use within the hospital and to develop policies related to the safe and effective use of drugs in the hospital. The functions of the committee are more comprehensively described in the hospital pharmacy profile, the Handbook for the Hospital Pharmacist, published by the Ontario Hospital Association.

It should be noted that aside from the hospital administrator the membership of the committee includes only members of the medical, nursing and pharmaceutical staff. By coincidence, the majority of the day-to-day contact that the pharmacist has with other hospital staff is with medical and nursing personnel.

The drug delivery system within the hospital is constantly being revised and updated by the pharmacist in conjunction with the medical and nursing staff and with management. The day-to-day operation of the drug delivery system is carried out by the pharmacist in conjunction with the doctor and the nurse. Practically every patient in the hospital is administered drugs in one form or another while, with the possible exception of the dietician, the services rendered by the other occupational groups are on a more selective basis.

By reason of those factors which I have already enumerated, the hospital pharamacist, it is readily realized, has a greater community of interest with the physician and the nurse than with any other group in the hospital including technicians. However, the physician employed in a professional capacity is excluded from any bargaining unit by virtue of section 1, subsection 3(a) of The Labour Relations Act, and the registered nurses have, through a long history of collective bargaining, been granted the right to be certified independently from any other occupational group, even registered nursing assistants.

The educational training of the professional as opposed to the technical personnel is generally higher, usually involving a prolonged university training together with practical experience. This training is necessary in order to prepare the professional employee for the high degree of independence of judgement that must be exercised when the acquired skills are put into practice. A pharmacist, for example, must be prepared to make a substantial contribution to the development of general policies regarding drug selection, delivery and therapy. He must be prepared to select and substitute drugs generically for those prescribed by name and must be able to appreciate and remedy any error in prescription made by a physician.

As well, regulations under The Narcotic Control Act impose stringent recording and reporting conditions respecting the use of narcotics as defined in The Narcotic Control Act and as scheduled thereto. Under section 21, subsection 1(a) of the regulations, only a pharmacist or a practitioner authorized by the hospital may order narcotics. In practice, this function is performed by the phramacist at all accredited hospitals.

Sections 23 to 36 of those regulations impose on a pharmacist strict requirements as to recording, reporting and use. The procedures imposed on the person who is in charge of the hospital by section 42 are in practice performed by the pharmacy department. The responsibility of this particular undertaking by the pharmacist is enormous. Carelessness or default on his part can produce embarrassment and censure, not only for himself but for the entire hospital administration.

With that in mind, and while the Ontario Labour Relations Board was conducting its hearing, the Ontario branch of the Canadian Society of Hospital Pharmacists conducted a survey in March, 1976, in which 320 written questionnaires were sent out and 110 were returned. Of those questionnaires returned, 98 per cent indicated that the hospital pharmacists wanted to be excluded from any bargaining unit. There was a follow-up telephone survey and it again was unanimous in

the fact that the hospital pharmacists wanted to be excluded from any other technical bargaining unit employed in a hospital. In fact, they wanted their own bargaining unit.

On November 19 I asked the Minister of Labour with respect to this decision as to what the attitude of the ministry was with respect to a combined paramedical and technical bargaining unit, and what she intended to do to preserve the independence and professional status of these pharmacists. Her answer was that the pharmacists were not the only group affected by this decision. She recommended that they go to the Ontario Labour Relations Board for a review of their case. I asked a supplementary question with respect to guaranteeing their right to a separate bargaining unit. Again the minister's answer was basically that they go to the Ontario Labour Relations Board to have their right determined.

In a 61-page decision handed down on September 28, 1976. the Ontario Labour Relations Board denied the professional group, called the Ontario hospital pharmacists, the right to their own bargaining unit. This professional group was lumped with the technical bargaining unit already in existence in the hospital.

Their legal avenues had been exhausted and there was no remedy for this professional group to appeal this decision. They could not go back to the Ontario Labour Relations Board; it had significantly decided the issue in a 61-page document. The only remedy that this professional group, called the Ontario hospital pharmacists, has is in this House. The decision must be determined in the Ministry of Labour. Hence, as a result of the answers that I received on November 19 to my questions of the minister, I introduced a bill, entitled An Act to amend The Labour Relations Act, which, if passed, will effectively create a bargaining unit consisting solely of hospital pharmacists and shall be deemed as a unit for the purposes of collective bargaining under The Ontario Labour Relations Act.

This is not a sole and single piece of legislation that stands on its own. In fact, it follows very closely upon the wording of the professional engineers, who are a professional body that has special recognition under The Ontario Labour Relations Act and has been given its own collective bargaining unit under that Act by special legislation. This particular piece of legislation proposes and purports to do exactly the same thing for that professional body of Ontario hospital pharmacists. In that respect, I introduce this bill for this House's consideration.

Hon. B. Stephenson: The decision of the Ontario Labour Relations Board regarding the hospital pharmacist at Stratford General Hospital has certainly raised a great deal of concern within allied health professional groups within this province and I think, with some good reason. However, that decision applied specifically to one hospital situation only. It does not necessarily apply to hospital pharmacists in other institutions throughout this province and it should not be construed as a situation which does apply in all other hospitals or other institutions in Ontario.

[5:15]

The arguments which were put forth before the Labour Relations Board at that time convinced the members of the board who, I would remind the members of this House, represent both the public, management and labour and have a great deal of expertise in the area and broad experience in determining which bargaining units should exist, of what composition they should be and, at times, how they should function.

In the Stratford General Hospital situation, all the duties of the allied health professionals or paramedicals or paraprofessionals were examined separately and in relationship to one another. It was found by the board that there was no factual situation which distinguished among them since, to a greater or lesser degree, all in the group required some specialized post-secondary education. They were represented by associations which had standards and codes of ethics; had identifiable forms of accreditation; and worked as teams under the general supervision of physicians. The board found unanimously, "All of the occupations have made sufficiently significant progress along this path of professionalism that no one occupation or a group of occupations can claim a unique or distinct community of interest in this regard, at least for the purposes of The Ontario Labour Relations Act."

The board specifically found that for labour relations purposes none of the groups had a unique or separate interest or community of interest and there was no collective bargaining justification for separating the various professional and paraprofessional groups.

In so finding, I would remind the House that the board rejected the findings of the Johnston commission which was a special inquiry into hospital bargaining structures. I think that report has been tabled in the

House but I am not sure of that. That commission in 1974, after studying the whole situation, recommended an even broader grouping than the board actually decided upon. I will quote from the Johnson report, in which he puts together pharmacists, dieticians, physiotherapists, occupational therapists, psychologists and social workers. "These groups are directly concerned with the mental and physical rehabilitation of patients."

With that kind of definition and with the careful examination of the relative roles of the paraprofessionals or of the allied health professionals; with a very careful assessment of their relationships to one another and particularly their relationships to the treatment of patients within the institution, I think it is reasonably understandable that in the incident of the Stratford General Hospital the board felt it supportable to include the hospital pharmacists within that bargaining structure.

I think it's wise and honest to say that the most comprehensive bargaining unit is not necessarily the best bargaining unit. One which encompasses every single worker in an establishment is not necessarily best for all workers in that establishment. I believe that the board recognized this and there are provisions in some new portions of the Act designed to bring order to the system whose problems are related to a proliferation of bargaining units.

In this province we have had a gross proliferation of bargaining units in many situations, some of which we are trying to correct, as the members of this House are well aware, with Bill 176. In this bill, we are hopefully going to consolidate the bargaining units of the construction industry in this province in a way which will ensure that there is an increase in harmony and an improvement in the relationship between employers and employees.

But comprehensiveness is not necessarily best. I believe very firmly that if the hospital pharmacists per se and their fellow professionals—all other pharmacists who must have, I would believe, some real concern for their colleagues who happen to function as hospital pharmacists—if those two groups were to act together and were to appeal the decision of the Ontario Labour Relations Board, it is entirely possible that a change might be made. But I believe that the decision of the board was made logically and rationally with a careful examination of all of the information provided for it, with a very careful examination of the role of the pharmacist in today's society, which is not exactly what it was 40 years ago and which I hope will be very much different within the next 20 or 30 years.

I do hope sincerely that it will be possible for a pharmacist in all practising areas to return to a greater degree of active participation in the treatment of individuals and accepting a greater degree of responsibility for the treatment of individual patients as well, than is possible right at the moment, given the advances in medical science, the advances in pharmaco-therapeutics and the limitations which have been placed upon the profession of pharmacy, not only in this jurisdiction but throughout the entire western world. However, I do believe that if there is real concern amongst pharmacists as a whole for the fate of their fellow professionals who happen to be functioning in hospitals, they indeed have the opportunity at this time to band together to appeal the decision of the Ontario Labour Relations Board in a way which could be effective on behalf of the pharmacists.

On the other hand if indeed it is construed by the pharmacists that their best hope for an improvement in their lot within today's society is through collective bargaining then I would suggest to them that probably they should allow the OLRB decision to stand for a period of time to find out factually whether this participation in an active bargaining unit related to a specific hospital will benefit the pharmacists who happen to be affected by it. I'm sure it is going to be of benefit to some other technicians who are included in the group and to some paraprofessionals, allied health professionals. The pharmacists may, in fact, be recipients of equal benefit as a result of the decision which was made in September of this year. It is difficult for the profession of pharmacy to at this time make a judgement about that without the experience of inclusion within the bargaining unit over the term of one or two contracts. Perhaps it would be better for them to wait for that period of time.

If they feel strongly, however, that indeed their professionalism is being aborted by this quasi-legal decision on the part of the OLRB, then they do have legal recourse available to them and, with the help of their brother or sister professionals, I'm sure that they can achieve the kind of appeal mechanism which is necessary.

Mr. Bounsall: This is one of those bills which, if the rules are changed—and I believe that is under discussion by the committee investigating the Camp commission reports—such that private members' bills would

come to a vote in the House, as is contemplated I think in the future, this bill would carry. It certainly leaves all avenues open with respect to hospital pharmacists and doesn't cause them to do anything except what they should wish to do.

The bill allows them to form their own union consisting solely of hospital pharmacists or, if a majority of hospital pharmacists at a particular hospital wished to join the bargaining unit already there or about to be formed there, no matter what that unit would be, Association of Allied Health Professionals of Ontario, or the Ontario Public Service Employees Union, or Canadian Union of Public Employees or the Service Employees Union, whatever group is organizing the rest in the hospital, they are allowed to do so according to this bill. So the full choice rests completely with the hospital pharmacists. They are free if the majority of them wish to join any of the other four units which are organizing in a particular hospital or if they wish to say "No, we have a union of hospital pharmacists in Ontario and we want them to represent us," they can stay in that situation. The bill is one which certainly brings no disadvantages with it and places all the decisions squarely in the hands of the hospital pharmacists, where a decision of this sort should be. There's nothing in this bill at all that we cannot support.

I might say, in looking at the situation, I think that with a professional pharmacists' association or a grouping of a union of hospital pharmacists to represent all the various and different hospitals around Ontario, some of them with perhaps only one hospital pharmacist to represent them adequately to the hospital is going to be a little difficult but it is certainly not an insurmountable representation; in any event, however, that's for the individual hospital pharmacist or group of pharmacists to decide.

If we have a particular single pharmacist in one small hospital, that pharmacist can decide whether or not he wants to commune with his professional union of hospital pharmacists and get from them what he should be saying at the bargaining table with the employer, the hospital, or he can join whatever union the other technical employees of that hospital belong to. That's certainly flexible and leaves the choice up to pharmacists. I would think it might vary from hospital to hospital, as one goes across this province, as to which route the individual pharmacist or group of pharmacists in those hospitals decides to choose; so there's nothing particularly wrong with this bill.

The remarks of the Minister of Labour cause me some concern. She speaks of allowing this particular decision to sit on the books for a while so we can see how it works out and so on before the board, hopefully, will make another decision. But the way organizing is proceeding apace in this province with respect to the technical and professional people in hospitals, I would expect that there would be another application before the board fairly shortly that would involve pharmacists' groups. The minister's hope that we would see how this would operate down at Stratford for perhaps a year, or maybe even as long as two years, before another decision of this type would have to be made by the board, I believe is unrealistic.

Secondly, it is a bit of an anomaly that pharmacists should be included per se with the other groups at Stratford in which they were included. Here again the representation by the one pharmacist there was withdrawn for personal reasons. I don't know what those were. Of course, I haven't inquired, but the pharmacists couldn't have been too upset one way or the other as to where that particular pharmacist ended up.

The problem with the Labour Relations Board decision is that it tends to be taken as a precedent. This is what most concerns the pharmacists in the hospitals in Ontario, that in Stratford they made a decision in a certain way. The minister outlined the reasons they gave for that decision. Again, those reasons sound fairly reasonable in many respects. They said that all of the groups which they were going to consider have some background training, have some post-secondary education. She implied, in the Stratford situation, that particular hospital pharmacist was not directing any of those other employees in the bargaining unit with which they were associated. Well, that may well be. In other hospital settings in Ontario, it might well be that the pharmacist or pharmacists at those hospitals do direct some of the employers in the group in which they would be included and, therefore, before the Ontario Labour Relations Board they would be able to make the argument that they are semi-supervisory in that sense. Therefore, that would be breaking from the precedent set here, but that would have to be very strongly argued once the precedent has been set with Stratford for inclusion.

I would suggest that it's a very clear, straightforward bill which leaves the decision so clearly open to all the pharmacists that

there's nothing much to be debated; certainly nothing much to criticize in it. I regret in this instance that this bill will not be coming before a free vote of the House for passage or otherwise, because in this instance I would predict that this would clearly pass. Thank you.

[5:30]

Mr. Conway: I take a great deal of pleasure in rising in support of my colleague from York Centre who has had the wisdom and clearsightedness to bring this anomalous position to the attention certainly of the government and of the assembly at large.

I think it augurs well for his perceptions, political and otherwise, that he, representing that great constituency of York Centre, as he has in so many other matters, focused our attention on something of real political import. He talked in his initial remarks about the importance of pharmacy. I speak with some conflict of interest because we have a pharmacist in the family, but my good friend from Nipissing (Mr. R. S. Smith), and I believe the good member for York West (Mr. Leluk), as members in this assembly represent all that is important in the pharmaceutical profession of one kind or another. I can speak certainly about the good member for Nipissing, who adds a particularly important dimension to what makes pharmacists important.

Mr. B. Newman: Finest of the fine.

Mr. Conway: The member for York Centre also, I think, expressed the chagrin of this particular party at the Minister of Labour's non-answer when this question was directly put to her in question period, November 19, 1976, and he has, I think clearly outlined how some of her answer is, in fact, just not practical in this particular instance. I was also impressed with the sweet reasonableness, unusual as it is—and I must underscore that —from the member representing the loyal opposition, in this particular case the member for Windsor-Sandwich, who brought I thought a very reasonable approach to this particular piece of legislation.

Mr. Mancini: Not too often he does that.

Mr. Conway: I, like the member for Windsor-Sandwich, would certainly like to see this particular bill brought to a vote in this assembly at this point in time, because I think we could certainly correct the situation which has led to this unfortunate occurrence and really the need for the introduction of Bill 184. I think the member for Windsor-Sandwich made some good points, particularly that the business of Bill 184, while solving the particular problem, leaves the avenues open in terms of future possibilities; that it is not a really tight-fisted and ironclad piece of legislation that would set precedents that would be unfortunate and untenable in future decisions, but rather specifically concerns itself with the business of the hospital pharmacists as a bargaining unit and leaves them the choice, quite frankly, as to what they want to do in particular instances as well as leaving the option open to other groups in other areas as their own collective bargaining is concerned.

I wanted, like the member for York Centre and subsequently the member for Windsor-Sandwich, to make one or two comments about what the minister had to say, not only in response to the question of November 19, but also to her rather interesting and unfortunately directed remarks this afternoon about the necessity and import of Bill 184.

I was quite surprised to hear someone as well versed not only in matters of labour but also of the health disciplines business in Ontario as the member for York Mills and now Minister of Labour, say that the OLRB decision was in fact local to the Stratford decision and we need not be concerned about the application otherwise. Clearly that is the kind of logic that brings her into a community of interest with the Attorney General. It is very surprising that anyone, certainly representing the Ministry of Labour, could make that decision, because as was pointed out by the previous speaker there is a precedent here that is important and that will certainly, I think, provide the basis for many decisions in the future, and that surely is what the hospital pharmacists who have corresponded with me, and I know with many other members of this assembly, are very concerned about.

Certainly it is a local decision in the Stratford case, but it is the first major decision of this kind relating to the hospital pharmacists, and they are concerned about the precedents that it may have and the import of the precendents in this particular instance. To hear the Minister of Labour say this afternoon that somehow that decision is only local and we really shouldn't be concerned about its broader application is, I think, very misdirected and unfortunate to say the least.

In her response to the member for York Centre she mentioned that if there is any real concern on behalf of the Ontario branch of the Canadian Society of Hospital Pharmacists, then clearly they might take certain avenues of appeal. I know the good member for York

Centre, with many others in this House this afternoon, will certainly agree with me when I say that the position in the correspondence from the president, in this case, of the Ontario branch of the Canadian Society of Hospital Pharmacists, makes it abundantly clear that that particular group has a genuine and real concern about the import of the Stratford decision. Because of the fact that the Minister of Labour somehow suggested there may not have been concern, or prefaced her remarks with the words, if there were any real concern, I just wanted to pick up that point. It's my clear understanding from the hospital pharmacists not only in my riding who have corresponded with me, but from those many other people who have expressed their concern to other members of this Legislature that there is real concern. Ithink it's about time that that real concern visited itself upon or at least was acknowledged by the Minister of Labour.

Thirdly, in her remarks she indicated that perhaps the professionalism of the hospital pharmacists was being called into question. I think her remarks to the member for York Centre were something to the effect that "if hospital pharmacists somehow feel their professionalism is being affected in this regard." I don't think there's any if about it at all. Hospital pharmacists have made it very clear, as the member for Windsor-Sandwich indicated as well, that they do sense their professionalism is being compromised in this particular instance. I'm sure they would not be appreciative of the suggestion made here this afternoon by the Minister of Labour that this professionalism is really not at stake in this particular instance.

I wanted to take a brief moment to summarize the five points that the executive of the Ontario branch of the Canadian Society of Hospital Pharmacists have outlined as the basis of their strong objection to the situation in which they now find themselves as a result of the Ontario Labour Relations Board decision affecting the hospital pharmacist in Stratford. I quote from a letter directed to me by Mrs. Reta Fowler, president of the Ontario branch, dated November 17, 1976. In that letter, which I'm sure many members of this assembly received, Mrs. Fowler states:

"Our members have strong objection to this decision"—meaning the OLRB decision—"for the following five reasons. Firstly, the Labour Relations Board has relied heavily on recommendations of the report of the hospital inquiry commission of November, 1974, also called the Johnston report. This report was not given reading in Parliament and there has been no opportunity to object to the recommendations contained therein.

"Secondly, hospital pharmacists do not have a sufficient community of interest with technical staff to warrant inclusion." That point has been addresesd to very eloquently by earlier speakers this afternoon. "Thirdly, because we hospital pharmacists have completed the evolution of professionalism as defined in this decision and are recognized as a member of the five senior health disciplines under The Health Disciplines Act, I do not agree with the inclusion of hospital pharmacists in the broadly-based technical unit.

"Fourthly, the functions of the hospital pharmacist reviewed at this hearing and the job description quoted in this decision are not representative of hospital pharmacy practice in Ontario today." That becomes extremely important. If the peculiarities of the local situation to which this OLRB decision is directed become a precedent, as I suspect might be the case, then I think point number four and perhaps the relative irrelevance of the Stratford situation for the overall application become significant indeed.

Mr. Speaker: Thirty seconds.

Mr. Conway: Finally, in point number five the letter says:

"In the daily course of our work we supervise technical staff in the performance of routine functions and are of the opinion that inclusion in the same bargaining unit would severely impede this function."

Those are five clearly articulated, obviously important and eminently recommendable suggestions that make Bill 184 a very important piece of public business. Together with all members of the opposition, I recommend it strongly to an unsuspecting Minister of Labour in this case. I hope she begins to realize that this is a situation of importance and of immediacy.

Mr. Shore: Mr. Speaker, I, too, would like to join with my colleagues in the House in speaking on Bill 184 and to congratulate the member for York Centre for his wisdom and thought in bringing this forward.

I, too, believe it would be good if we could have the free vote the member for Windsor-Sandwich suggested. If and when it comes, this bill probably would be passed in this House.

I take this opportunity to suggest to the Legislature and to the members of this House that although I have no conflict like the member for Renfrew North has—

Mr. Conway: Your conflict becomes apparent after the fact. I have the courage to admit it.

Mr. Shore: That's right; he doesn't even know how many seasons there are. Do you want to take another few minutes? We also receive letters in London, Ontario, too. I think it's important—

Mr. Conway: The question is can you read them?

Mr. Riddell: It was about those letters.

Mr. Ruston: Changing colours, you mean; colour guard.

Mr. Speaker: Order, please. The member for London North has the floor in a time-limited speech so he should be allowed to continue.

Mr. Shore: As a matter of fact, I might say that many of the letters have been very congratulatory, not only of my support of this bill but of other things I've done of recent vintage. I am very pleased about that. I know you'll be glad to hear that over there.

Mr. Mancini: I heard you were for Hallowe'en.

Mr. Gaunt: You have got to be kidding.

Mr. Shore: That's right. I'm glad you brought that to my attention.

Mr. Gaunt: They tell me you change colours as often as a chameleon.

Mr. Conway: How do you spell chameleon?

Mr. Speaker: Order.

Mr. Shore: I think the member for Huron will be interested in knowing that the phone calls of recent vintage have been immensely great in support of what I've done. I'm glad we brought that out.

We also received letters from many constituents on the matter of this bill and although the member for Renfrew North has a conflict in the case, the only point I wish to bring out is that many constituents in my area are involved in the pharmaceutical profession. I think I'd like to put on the record probably a repeat of the letter he spoke of, which is from the many constituents of my area who have given good reasons, I believe, why sound thinking should go into this concept. In summary, what they are saying is they feel very strongly that their profession is somewhat unique and they should be given the right to speak on their behalf.

The other important point, I think, is that many of the people in this profession are in a supervisory capacity and may be giving supervisory advice and guidance to technical units.

I think those points that the member for Renfrew North brought up—even though he was in conflict—are very valid and should be considered seriously.

Mr. Mancini: Start bringing up your accounting firm.

Mr. Shore: While I have the opportunity of speaking on this bill, I think it is important that I also have the opportunity of reading some of the submission of the Ontario Labour Relations Board. I don't think we should lose sight totally, on behalf of the pharmacists as well, that there are other professions involved here also; namely, the professional units comprised of physiotherapists, social workers, psychologists, psychometrists, occupational therapists and all these groups of people.

We have to be very cautious, I think, on behalf of any and all of these groups, that we don't dissect them to such an extent that we lose the effect of what collective bargaining is supposed to be about; and that we don't get the effect of a leap-frog process within the whole labour relations manner. As a matter of fact, many members are going to be speaking on this later on when Bill 176, I believe it is, comes up. The whole purport of that bill—and the member for Renfrew North may be thinking of it—is to try to unify some of these things, rather than to put them into a case of conflict.

I think we've got to be very careful that we don't lose sight of that when we are dealing with this subject.

The member also stated that the minister pointed out that maybe the Ontario Labour Relations Board's decision is not binding on other groups which may want to put forward. I think it should be understood that, in fairness, one of the reasons is that maybe these pharmacists should recognize that rather than having a statute on the books which is totally binding, maybe they are better off. Maybe these other professions might be better off in at least recognizing the decision on an individual basis. I'm not suggesting it should.

[5:45]

Mr. Conway: Which is it? Come on.

Mr. Speaker: Order please. Order please.

Mr. Shore: In relation to the—

Mr. Conway: Five minutes on this and five minutes on the other side.

Mr. Shore: That's right. I had some good training on that. I had some terrific training.

Mr. Ruston: We know all about that.

Mr. Conway: One more step will put you in the gallery.

Mr. Shore: As a matter of fact they should take a look if they get a chance—all of them. Take a look at the December 7 debate on The Corporations Tax Act. It's just great; it's good stuff.

Mr. Conway: Is that your speech condemning the Treasurer? Is that the one where you ripped him off?

Mr. Shore: The member will enjoy it. It's good midnight reading for a young fellow like him.

Mr. Ruston: That's when I go to sleep.

Mr. Shore: I think, Mr. Speaker, there's a lot of good material here. I think it should be supported and I think these points are validly brought forward. Thank you very much.

Mr. Dukszta: The member for York Centre has an interesting Act, which I support. At first glance it appears he's supporting someone's rigid concept of professionalism, but after looking through that fairly short Act I perceive there are certain implications in it which I will discuss a little later.

The pharmacist has an interesting and important role in the functioning of the hospital. I had experience of this when I worked in a mental hospital. The pharmacist's role was enormous in a large hospital.

Mr. Mancini: Was the member for London North there?

Mr. Dukszta: But the major difficulty has always been that the pharmacist is not recognized for the role he plays in a hospital. He is always on the periphery and it's possibly related to the present structure of the hospital. The pharmacist is on the periphery as are a number of other health professionals. At the moment it is the same for pharmacists or lab technicians or nurses. The structure is organized so that the centre of power is largely in the hands of one profession, and this led to many difficulties in the hospital.

Obviously one has to move sometime towards rectifying this concept. Its rectification is essential for hospitals in terms of good care, in terms of programming, in terms of budget-making decisions. Almost everyone in the whole hospital—professionals, paraprofessionals and anyone else—should have a say in the decision-making in hospitals.

I wonder if the member for York Centre realized something when he was introducing it. As I said, the bill on the surface appears to support largely a more rigid concept of professionalism. It does allow pharmacists both to involve themselves in a larger unit, which gives them some power in dealing with the power structure of the hospital, but also allows them to escape if they want to. I wonder if you realize, to return to my point, that in effect he was striking a tiny blow for industrial democracy. It is not the reading maybe which many people would see—

Mr. Conway: Oh, we are great democrats over here.

Mr. Dukszta: Not many people would see this interior reading in this Act, but I do perceive it and I congratulate the member on it. It is obvious in that first step that he has done it. He suggests that the hospitals should be governed more directly by a group of people—

Mr. Conway: The revolution is next.

Mr. Shore: They want you over there.

Mr. Dukszta: —by all the workers who are involved in it.

Mr. Warner: He is not used to changing.

Mr. Conway: Is that democratic socialism or socialist democracy?

Mr. Dukszta: There is this striking suggestion in it: That not only the physicians but the other professionals should participate at all levels—including administration and the committees—even the medical advisory committee. There is no reason at all why medical advisory committees should only be composed of physicians. The pharmacists and others should participate more fully.

We should probably go much further, and I think it's implicit in this Act. Maybe all the structures in the hospital should have elected membership from anyone who works —specifically, of course, people like the hospital workers, nurses and others.

I don't want to prolong this speech. Many people have already made a number of very significant statements. I just want to congratulate again the member for York Centre and to end up by saying that it's so nice someone on that side, maybe without fully knowing it, has struck this tiny blow for industrial

democracy, in effect moving us towards this New Democratic socialist approach tonight.

Mr. Sweeney: Just for about a minute or two, I want to stand and support my colleague in this bill for two reasons. The first one is to show the consistency of our position from another private member's bill that was introduced by this party just a few weeks back. The basis of consistency at that time, of course, was that the public health nurses had appealed to us as members of the Legislature to let them make their own choice as to the direction of negotiation.

In this particular case, we've got another group of health workers in this province who are once again appealing to all members of this House through their various mailings that they also be allowed to make certain private and personal and individual choices as to how they're going to be involved in the negotiations which affect their lives. Just as at that time we supported the public health nurses, so also at this time we want to go on record as supporting the hospital pharmacists. We believe that is part of the negotiating democracy which we also support.

The second point I wish to make is just to suggest to other members of this House that the hospital pharmacists occupy a rather unique position in the total health care picture of this province. If we consider that the doctor's decision is probably the most fundamental one as far as the patient is concerned in terms of what shall be done and in terms of actually making the decision as far as prescription is concerned—and of course, they operate within a unique group—the nurses in the hospital also have a very peculiar position because they are the ones who treat and deal directly with the patient and apply in many cases the decisions which the doctor makes, and they also have a very unique group.

When we get beyond those two, there really is one other group that has a very peculiar and a very special place with respect to the patient, and that is the pharmacists. The way in which they carry out the decision of the medical doctor in terms of the prescription that's going to be supplied, the amounts that are going to be given, the process of seeing to it that it's delivered to the patient and the directions are carried out, means the matter of life or death of the patient is involved here.

We have the doctor on the one hand, the nurse on the other, and the third member of that triangle is the pharmacist, who plays a critical role in the whole issue of the life and death of the patient. I think that we should, because of that relationship, take a very close and very particular and very different look at the pharmacist compared with the other paramedical groups that are being listed here and of which it has been decided they should be a part.

Finally, I would point out that the hospital pharmacists in fact to a large extent are responsible for supervising members of the paramedical and technical staff, and we should always be very careful about keeping those two groups too closely together. There has to be a relationship between those who supervise and those who are being supervised, and this is a point which the pharmacists themselves feel is rather significant. I am not one who has any direct awareness of that relationship, but if it is one of which they feel we should take cognizance then I think it is incumbent upon us to bear some witness to what they are saying.

So for these three very simple reasons I support the bill introduced by my colleague and hope that other members of the House will do likewise.

Mr. Mackenzie: Mr. Speaker, I too support the bill.

Mr. Conway: That is a change.

Mr. Mackenzie: It allows for the individual—

Mr. Conway: Say that louder.

Mr. Mancini: How come you didn't support the nurses?

Mr. Mackenzie: It allows for the individual's right to have his own bargaining unit or to be part of a larger bargaining unit, and I think that has to be kept in mind in this brief debate. However, I fail to see how we can compare a bill concerning compulsory arbitration, regardless of the problems that led to it, with one that allows parties the right of their own bargaining unit. I just can't put those two together as comparable positions.

Mr. Sweeney: Neither can your colleagues. Tell that to the nurses.

Mr. Mancini: Right. Tell that to the nurses.

Mr. Mackenzie: I would suggest to the member for Renfrew North that the situation in Stratford—including the pharmacists in the

unit—should be no surprise, simply because any organizer worth his salt is going to cover everybody possible in the unit and exclude as few as possible. I always have some reservations about any attempts to—I look at a bill like this first to find out whether there is any attempt to fragment a unit, because seldom is it in the interest of the workers to fragment a unit. However, I feel pharmacists have their own self-discipline, just as doctors, nurses and optometrists do—and there is probably good cause for it—as long as the provision is left in the bill, as it is, to become part of a larger bargaining unit, if that's what they so desire. On that basis, I really see very little problem in supporting this particular bill.

Mr. Speaker: Do any other hon. members wish to speak to this bill? If not, this order of business is now concluded.

Hon. B. Stephenson: Mr. Speaker, I would ask for unanimous consent to revert to motions at this time.

Mr. Speaker: Is there unanimous consent to revert to motions?

Agreed.

Mr. Conway: For Bette we'll agree to anything.

MOTION

Hon. B. Stephenson, in the absence of Hon. Mr. Welch, moved that the report of the Workmen's Compensation Board for the year ended December 31, 1975, be referred to the standing resources development committee for consideration, such consideration to be reported by Hansard and printed as an appendix to the daily House Hansard; and that the committee have authority to sit concurrently with the House.

Motion agreed to.

Mr. Conway: You will be here till New Year's. For ever and a day.

Mr. Speaker: The committee will be meeting in committee room 2 at 10 tomorrow morning, I understand, for the information of the members here.

EMPLOYEES' HEALTH AND SAFETY ACT

Resumption of the adjourned debate in committee of the whole House on Bill 139, An Act respecting Employees' Health and Safety.

The House recessed at 6 p.m.

APPENDIX

(See page 5635)

Answers to questions were tabled as follows:

140. Mr. Dukszta—Inquiry of the ministry: I. Inasmuch as OHIP does not require a perfect one-to-one match between subscriber numbers when validating claims, can the minister assure the House that OHIP has not paid for: (i) A female sex-specific operation in a male; (ii) a male sex-specific operation in a female; (iii) two appendectomies for the same patient; (iv) a total hysterectomy for the same patient more than once? Can the minister in fact assure the House that the OHIP subscriber files have been purged of duplicates?

II. Inasmuch as OHIP allows physicians to submit multiple claims on the same form, can the minister assure the House that OHIP: (i) Maintains records of the number of physician claims by physician by day, in an effort to assess the reasonableness of such claims; (ii) compares ICDA codes for services provided by physicians in an effort to detect multiple billings for the same diagnostic procedure on the same day; (iii) does not approve payments for periodic services (total physical examinations, et cetera) more frequently than the OHIP guidelines allow?

III. Can the minister assure the House that the costs of microfilming OHIP claims were less than the cost would be of storing them, fully coded, on magnetic tape or disc?

IV. What were the costs in the calendar years 1971, 1972, 1973, 1974 and 1975, of: (i) Printing and prenumbering physicians' claim cards; (ii) key editing claims on the Mohawk key-to-tape 132 stations or similar equipment; (iii) any other key punching or editing services; (iv) microfilming of claims; (v) mailing of claim forms and remittance advices to physicians; (vi) the operation of OHIP district offices per capita for the subscriber population served for each relevant year; (vii) printing and distributing medical secretary's handbooks and physician and hospital indices); (viii) the coding of ICDA codes? In this connection what were the error rates associated with: (i) the coding of ICDA information (were these codings cross-validated); (ii) the key-editing of claim information (were those codings cross-validated)?

V. For each of the following classes of computer processing, what were the total costs of (1) computer programming; (2) CPU time; (3) I/O waiting time; (4) computer printing or card-punching; or (5) correct times, during the calendar years 1971, 1972, 1973, 1974 and 1975: (i) Processing of claims to file; (ii) on-line storage of data sets; (iii) compiling new programmes; (iv) modifying existing programmes; (v) compiling existing programmes; (vi) debugging existing programmes; (vii) retrieval of information from existing files? What were the costs of rental or purchase of any data processing equipment (i.e. key editors, IBM 2741 terminals, CRT, et cetera) by machine type and number of machines? Where a service is uncosted, what were the gross utilization statistics by class of service in kB hours or other similar standard units?

VI. What were the rates of rejection of claims per 10,000 claims for the calendar years 1971, 1972, 1973, 1974 and 1975? What is the predicted rate for 1976 and 1977? On what is this estimate based?

VII. In the calendar years 1971, 1972, 1973, 1974 and 1975, what funds were recovered by OHIP through: (i) Computerized cross-checking of claims; (ii) manual assessment procedures; (iii) specialized studies of specific practitioner practices; (iv) other means?

VIII. For each of the calendar years 1971, 1972, 1973, 1974 and 1975, what was: (i) The range of total payments under the plan to each class of practitioners (i.e. family practitioners, surgeons, paediatricians, internists, neurologist, psychiatrists, dermatologists, anaesthetists, orthopaedic surgeons, plastic surgeons, neurological surgeons, obstetricians and gynaecologists, urological surgeons, ophthalmologists, otolaryngologists, pathologists, radiologists,

medical geneticists, optometrists, and chiropractors); (ii) what was the arithmetical mean; (iii) what was the standard deviation; (iv) what was the mode and the median; (v) what proportion of these payments fall into intervals of less than $10,000; $10,000 to $19,999; $20,000 to $29,999; $30,000 to $39,999; $40,000 to $49,999; $50,000 to $59,999; $60,000 to $69,999; $70,000 to $79,999; $80,000 to $89,999; $90,000 to $99,999; $100,000 to $199,999; $200,000 to $299,999; and $300,000 or more; (vi) what was the Gini Index for payments to each class of practitioner and for all practitioners; (vii) what was the mean, mode, median and standard deviation for payments to each class of practitioner, for (a) those in solo practice; (b) those in non-clinic group practice; (c) those in clinics; and (d) those associated with teaching hospitals? What were these figures for those in urban and those in rural areas?

IX. For each class of practitioner for each year, what was (a) the number practising under the plan; and (b) the total amount paid out by age, sex and number of years since; firstly they began practising medicine, and secondly since they began practising medicine in Ontario?

X. For each class of practitioner, for each year, what proportion of all such practitioners in Ontario are practising under the plan? For each of these, what proportion of their total income is, or was, paid through the plan?

XI. For the calendar years 1971, 1972, 1973, 1974 and 1975, what were the total number of claims by ICDA and the type of service provided? How did these break down by classes of practitioner?

XII. For each line item of the OHIP Estimate (1976077), what proportion of the estimated cost is ascribable to preventive medicine or public health measures, and what proportion to diagnosis and treatment of disease? How do these proportions compare to those actually incurred in all previous budget years, beginning with 1971?

XIII. What proportion of its total projected budget does OHIP anticipate spending on research?

Answer by the Minister of Health (Mr. F. S. Miller):

I. (i) Yes; sex indicator programmed against specific procedures codes; (ii) yes; sex indicator programmed against specific procedure codes; (ii) yes; if billed under the same OHIP number for the same participant within a seven-year period (governed by Rule 2040 and the purge exception table); (iv) yes; same as I(iii); yes; there is a routine procedure for purging duplicate files.

II. (i) Yes; information available from computer produced profiles; (ii) diagnostic code check not required (Rules 1000 and 1010 check for duplicate billings by comparing procedure codes on same day); (iii) yes; governed by Rule 1230.

III. Since a claim card is a legal document, retention is essential. Microfilm is the best way to produce a copy of the original document. Storage on magnetic tape or disc only produces the information that was key-taped, which may not always be the same as that on the original document. Comparable costs between these storage methods is not a relevant issue under these circumstances.

IV. (i) Cost for printing physicians' claim cards for calendar year 1975 only, other years not available: 1975—$262,056.38; (ii) cost for key editing claims; 1971—OHIP non-existent. OHSIP claims were keypunched by the staff of HIRB (Health Insurance Registration Board); 1972—nine months beginning April 1, 1972, $551,200; 1973—$732,500; 1974—$695,900; 1975—$520,580; (ii) none available; (iv) costs, microfilming of claims: 1971—$86,268.84; 1972—$113,619.25; 1973—$148,107.57; 1974—$178,137.57; 1975—$221,247.22; (v) mailing costs of claim cards and remittance advices to physicians, for 1975 only, other years not available: remittance advices—$39,600; claim cards—$118,596.47; (vi) no statistics available for the costs of operation of OHIP district offices per capita for the subscriber population served; (vii) only one medical secretary's handbook was ever printed and figures are not available for this printing and distribution. Figures for printing and mailing of physician and hospital indices are only available for the current year 1976: printing and binding—$6,020.98; mailing—$6,300; (viii) The coding of diagnostic codes is included in the total claims processing procedure and no specific figures are available. Diagnostic codes are not cross-validated neither at the coding nor key-edit stages.

V. At March 31, 1974, OHIP's Data Centre and Systems and Programming Group were transferred to Ministry of Government Services and Ministry of Health Information Systems Division. Information by fiscal years only is available, not calendar years. Separate costs for CPU time, I/O writing time, et cetera, are not recorded.

(i) Total allocated processing costs fiscal years ending March 31
(in thousands of dollars)

	1972/73	1973/74	1974/75	1975/76
Computer processing				
Claims	1,768	1,782	2,020*	1,694*
Other	1,615	1,908	1,375	1,691
Total	3,383	3,690	3,395	3,385
Systems and programming staff				
Claims	120	141	138	137
Other	831	979	943	722
Total	951	1,120	1,081	859

Note: OHIP did not commence operation until April, 1972. The first figure shown above reflects the first year of operation ending March 31, 1973.

* Unit costing for claims started in 1975 and reduced for second year.

(ii) None; (iii) to (vi) separate costs are not available; (vii) total allocated processing costs: retrieval from files 1972/73—$219,890; 1973/74—$243,476. There are no key editors, IBM 2741 terminals, CRT, et cetera involved. The cost of key editing claims utilizing the MDS 9000 system for data entry was provided under Item IV(ii). In 1972 OHIP started with 470 type 9001 data entry key stations. At the present time that total has been reduced to 420 key stations. The computer hardware configurations for the years 1972/73 and 1973/74 are recorded below by complete system. The costs are those applicable to OHIP claims processing. Other Ministry of Health processing was also carried out on these hardware systems. The computer hardware costs for the years 1974/75 and later are not applicable as the computer centre's orientation was changed to a service bureau within the Ministry of Government Services. This change occurred on April 1, 1974. As a service bureau the computer centre provides services to many clients within government. All services provided are billed to the user on a full chargeback basis. The associated charges to OHIP have been separately reported.

	1972/73	1973/74
IBM systems		
370-155	$951,696	
370-158		$1,071,181
Honeywell systems		
H 125		
H 1200	614,360	
H 3200		446,770
H 2015		
	$1,566,056	$1,517,951

Gross utilization statistics are not provided since all services are costed.

VI. Rates of rejection of claims per 10,000 claims for the calendar years 1972-1977 are as follows:

	V	E	A	Total
1972	530	150	300	980
1973	390	340	290	1020
1974	380	440	310	1130
1975	280	390	290	960
1976 (first eight months)	270	380	250	900
1976 (projected)	260	370	250	880
1977 (projected)	250	370	250	870

V—edit rejects (invalid fields); E—eligibility rejects (physician and subscriber eligibility); A—assessment rejects (fee schedule master, medical rules, et cetera). The projected rates are based on existing trends. 1971 figures are unavailable; 1972 figures cover period May-December 1972.

VII. (i) There is no computerized cross-checking of claims except the duplicate Rules 1000 and 1010 which check for the duplication of the same service by the same or another

physician on the same day for the same participant under the same OHIP number. There are no dollar value statistics available on these rejections; (ii) no complete statistics available on manual recovery procedures; (iii) recoveries from studies of specific practitioner practices (figures are only available from April, 1972): April 1, 1972, to December 31, 1973–$608,741.05; 1974–$119,159.11; 1975–$250,781.11; (iv) subrogation recoveries: 1971–$5,648,034.94; 1972–$5,524,769.05; 1973–$6,734,889.39; 1974–$8,611,794.35; 1975–$9,972,170.81.

VIII. (i) see Table 1 attached (1971 unavailable); (ii) see Table 1 attached (1971 unavailable); (iv) see Table 2 attached (1971, 1972 unavailable); (v) see Tables 3, 4, 5, attached (1971, 1972 unavailable); (vi) see Table 6. Items (iii) and (vii) are not submitted as the tabulation of the data in the requested form would involve a disaggregation of existing data at considerable cost.

IX. We have provided the proportion billing the plan directly (see Table 7). Due to the time limitation of the available data which commenced aggregation effective April 1, 1972 the further analysis requested under (b) and (c) is not available.

X. (a) See Table 7 attached; (b) this type of information is only available from individual tax returns.

XI, XII and XIII. Information is not available in this form.

Table 1

Specialty	S.P.	1975 (Jan-Dec) Payment $000's	1975 (Jan-Dec) Average $000's	1974 (Jan-Dec) Payment $000's	1974 (Jan-Dec) Average $000's	1973 (Jan-Dec) Payment $000's	1973 (Jan-Dec) Average $000's	1972 (Apr-Dec) Payment $000's	1972 (Apr-Dec) Average $000's
General Practice	0	279,864.8	41.5	255,304.3	39.0	213,659.1	34.5	148,893.9	26.2
General Surgery	1	44,923.0	60.6	40,356.1	54.8	37,669.4	50.9	26,946.3	37.2
Internal Medicine	2	60,935.1	60.9	51,739.6	57.8	44,705.8	50.5	31,171.0	36.3
Obs/Gyn	3	36,241.8	68.4	32,816.6	64.7	30,364.1	60.3	21,467.7	44.6
Pediatrics	4	20,541.6	46.4	17,933.3	45.2	15,855.9	40.6	11,797.2	31.7
Orthopaedic Surgery	5	17,169.7	71.2	14,342.9	68.3	12,923.7	61.8	8,896.0	44.0
Otolaryngology	6	14,970.7	75.2	12,952.8	75.8	12,287.9	71.0	8,444.9	48.8
Urology	7	10,758.5	64.0	9,845.2	62.7	9,136.6	57.5	6,567.9	43.2
Diagnostic Radiology	8	53,519.2	133.5	44,950.3	118.3	39,313.2	106.0	25,992.8	76.9
Anaesthesia	9	25,508.1	50.2	22,314.8	46.4	20,538.8	42.0	14,578.3	30.8
Optometry	10	11,558.0	21.8	8,554.5	16.5	6,711.9	13.7	4,718.8	9.8
Neurology	11	4,600.7	54.8	3,793.0	50.6	3,166.1	48.7	2,142.3	36.3
Psychiatry	12	26,708.6	39.2	22,237.2	36.9	19,028.3	32.1	13,052.2	23.3
Ophthalmology	13	22,379.7	72.4	19,559.2	67.2	18,251.6	62.3	12,687.4	43.9
Dermatology	14	8,858.3	73.8	7,301.8	67.6	6,789.4	64.1	4,809.1	46.2
Pathology	15	35,612.0	267.8	25,497.0	202.4	20,305.9	170.6	11,011.2	98.3
Osteopathy	16	522.8	14.1	556.3	14.6	599.5	14.3	466.6	10.6
Dental Surgery	17	2,619.8	2.7	2,687.7	2.7	2,583.3	2.7	1,906.9	2.1
Oral Surgery	18	3,753.7	56.9	3,337.1	56.6	3,170.0	56.6	2,116.1	35.9
Chiropody	19	2,819.1	33.2	2,554.6	31.2	2,235.2	28.7	1,474.9	21.1
Chiropractic	20	18,409.9	27.2	17,077.9	27.3	16,953.2	28.8	11,316.5	20.7
Neurosurgery	21	3,203.4	54.3	2,890.0	51.6	2,646.8	62.8	1,814.6	35.6
Plastic Surgery	22	5,059.9	61.7	4,219.2	58.6	3,778.0	54.0	2,568.4	37.2
Thoracic Surgery	23	2,091.7	77.5	1,899.7	76.0	1,621.6	62.4	1,155.0	41.3
Physical Medicine	24	1,947.6	43.3	1,612.3	38.4	1,228.2	27.3	839.4	21.0
Therapeutic Radiology	25	726.6	21.4	586.8	17.8	473.8	14.8	307.2	9.9
Total		715,304.3	47.9	626,920.2	44.0	545,996.3	39.7	377,142.6	29.2

Includes payments made for laboratory services
Represents total OHIP payment only from which expenses of practice must be deducted to determine net income.

Table 2

MODE AND MEDIAN

	1975(1)		1974(2)		1973(3)
	Mode 000's	Median 000's	Mode 000's	Median 000's	Median 000's
General Practice	56.9	40.1	45.0	37.6	32.8
General Surgery	69.2	60.0	57.4	57.8	46.0
Internal Medicine	45.2	47.0	38.6	42.6	39.4
Obs./Gyn.	74.6	68.1	74.9	65.5	60.0
Pediatrics	63.3	42.0	39.3	40.8	36.8
Orthopedic Surgery	75.6	73.6	63.0	69.2	63.0
Otolaryngology	122.9	77.3	74.7	78.7	71.6
Urology	69.0	70.3	74.4	66.9	60.6
Diagnostic Radiology	312.3	88.8	290.6	78.0	71.1
Anaesthesia	56.6	52.6	51.0	49.2	44.9
Neurology	80.9	47.0	51.2	45.0	40.7
Psychiatry	38.7	39.3	38.8	36.8	31.0
Ophthalmology	80.8	76.7	75.5	71.7	65.0
Dermatology	74.4	71.3	69.3	69.9	65.3
Pathology	577.6	81.0	501.6	84.0	88.8
Neurosurgery	56.6	50.6	44.6	47.3	46.8
Plastic Surgery	74.6	61.8	63.4	57.6	51.0
Thoracic Surgery	139.7	60.0	74.2	72.0	60.0
Physical Medicine	32.4	33.6	28.5	29.5	21.0
Therapeutic Radiology	39.1	18.0	46.2	16.5	12.7
All Physicians	39.0	43.2	45.1	44.1	39.1

(1) For the mode April 1975 data was selected as being representative for the yearly experience.
(2) For the mode April 1974 data was selected as being representative for the yearly experience.
(3) Mode for 1973 unavailable.

Table 3

Ministry of Health — Management Analysis Branch — Report–K3

Frequency distribution of doctors' payments for Jan. 73 to Dec. 73 74/10/08. *for identification of Speciality see Table 1 (SP#)

Payment range in 000's dollars

SP*	< 3	< 6	< 9	<12	<15	<18	<21	<24	<27	<30	<36	<42	<48	<54	<60	<66	<72	<78	<84	<90	90+	Total
0	946	318	258	195	205	210	175	174	207	208	435	533	556	508	432	276	192	124	65	55	122	6194
1	60	16	16	6	10	25	11	20	14	18	35	46	56	53	70	56	50	44	41	27	66	740
2	82	35	27	23	38	27	30	32	31	22	58	67	69	50	52	51	40	25	19	14	93	885
3	30	11	5	8	8	7	2	7	12	7	24	37	25	35	34	38	33	38	30	31	82	504
4	47	11	14	13	15	13	17	12	20	14	17	24	23	23	30	18	22	13	8	5	32	391
5	16	1	3	2	4	1	1	3	4	4	6	11	10	12	18	18	20	17	7	16	35	209
6	10	2	3	3	3	2	2	2	0	1	5	3	7	9	9	10	17	12	6	16	51	173
7	16	1	1	4	3	0	1	0	0	6	7	11	8	8	14	18	8	15	11	4	23	159
8	37	22	14	4	6	8	7	9	3	7	16	12	9	8	13	5	7	5	3	5	171	371
9	22	9	6	3	8	9	5	8	14	10	49	54	101	75	67	28	11	6	2	1	1	489
10	52	28	58	99	79	55	39	33	15	10	11	6	3	3	0	0	0	0	0	0	0	491
11	2	4	4	0	1	0	1	3	3	1	7	9	4	4	3	2	3	4	0	2	8	65
12	63	25	18	26	23	21	25	20	26	40	60	50	57	39	37	20	18	11	4	3	7	593
13	26	3	5	2	2	6	6	6	9	6	11	8	10	12	14	25	20	24	23	14	61	293
14	6	0	0	0	1	0	2	3	1	1	4	5	3	8	11	9	7	6	10	11	18	106
15	22	3	2	1	3	4	2	3	3	1	1	1	0	5	2	1	0	2	0	5	58	119
16	5	4	5	5	5	7	2	2	0	5	1	0	1	0	0	0	0	0	0	0	0	42
17	714	155	50	24	8	4	1	3	0	2	5	1	0	1	0	0	0	0	0	0	0	968
18	4	1	0	2	0	2	0	1	3	2	3	0	6	0	5	4	3	2	6	2	10	56
19	9	4	5	1	2	3	4	5	5	3	12	6	8	2	5	0	3	0	0	1	0	78
20	56	35	23	28	28	35	32	35	32	33	55	58	26	37	28	20	5	10	4	2	6	588
21	8	1	1	0	0	3	1	1	1	1	2	2	5	6	6	3	1	2	1	3	7	55
22	3	2	0	0	1	0	1	2	2	1	3	8	7	10	8	3	5	3	2	2	7	70
23	2	0	1	0	0	0	1	1	0	0	0	3	1	1	3	0	2	4	0	1	6	26
24	5	2	2	5	2	0	7	1	5	2	2	4	1	0	0	5	0	1	0	0	1	45
25	0	4	5	5	9	2	3	1	1	0	0	1	0	0	0	0	0	1	0	0	0	32
Total Doctors	2243	697	526	459	464	444	378	387	411	405	829	960	996	909	861	610	467	369	242	220	865	13742

Total Payment

2072678.69 4829882.34 7375446.83 11552983.34 44831558.32 38328710.84 19609174.63

3065227.85 6248484.02 8705382.24 2737390 8.44 46362781.59 32182599.35 19059574.40

3947790.63 7297148.78 10479133.55 37 487897.95 48944098.04 27602015.14 138639848.24

545996325.21

Table 4

Ministry of Health – Management Analysis Branch – Report–K3

Frequency distribution of doctors' payments for Jan. 74 to Dec. 74 75/07/09. *for identification of Speciality see Table 1 (SP#)

Payment range in 000's dollars

SP*	< 3	< 6	< 9	< 12	<15	<18	<21	<24	<27	<30	<36	<42	<48	<54	<60	<66	<72	<78	<84	<90	90+	Total
0	927	278	241	210	214	206	192	166	175	186	382	446	554	550	530	400	314	188	144	83	184	6570
1	62	12	18	7	10	17	14	18	15	11	31	32	44	47	48	69	58	40	59	32	92	736
2	73	32	21	28	21	38	23	25	21	29	40	51	72	58	61	48	44	50	28	18	115	896
3	36	8	5	3	3	6	11	4	9	7	19	28	22	36	25	35	39	28	38	33	112	507
4	46	9	11	16	16	10	11	13	12	10	24	26	19	21	14	23	25	23	20	11	37	397
5	14	3	2	1	2	2	1	3	2	3	3	11	4	11	15	18	19	16	16	9	55	210
6	10	5	2	2	2	1	1	2	1	1	2	2	8	3	8	14	10	11	9	9	68	171
7	11	0	3	3	2	0	2	2	2	2	5	7	12	6	12	8	13	14	15	10	28	157
8	30	10	12	13	14	7	9	3	8	7	11	15	11	6	12	6	9	7	5	7	178	380
9	16	8	3	10	4	6	8	8	8	8	26	40	79	85	66	55	32	13	3	1	2	481
10	51	29	38	54	81	77	40	43	29	32	26	9	4	3	1	2	1	0	0	0	0	520
11	6	3	1	3	4	0	2	0	2	4	7	2	8	3	4	3	4	6	0	1	12	75
12	42	30	18	24	20	31	20	19	15	28	46	57	61	52	40	26	22	15	16	8	12	602
13	24	7	3	3	2	3	3	10	4	3	7	7	8	12	15	16	20	24	28	12	80	291
14	6	0	1	2	0	0	0	0	2	3	2	4	7	6	7	9	9	6	8	10	26	108
15	12	7	0	3	1	6	3	2	4	4	5	2	1	3	1	5	2	1	1	3	60	126
16	4	3	7	3	6	4	3	1	0	4	2	1	0	0	0	0	0	0	0	0	0	38
17	762	126	61	23	7	5	2	1	3	0	4	2	0	2	1	0	0	0	0	0	0	999
18	4	2	1	1	3	1	1	0	1	1	2	6	1	2	5	2	4	4	4	3	11	59
19	3	4	5	6	4	1	3	8	3	3	12	6	8	5	5	2	0	2	0	1	1	82
20	60	34	34	32	37	41	46	26	40	32	57	42	44	32	28	12	11	6	6	3	3	626
21	6	4	0	1	1	0	1	0	1	0	4	2	9	2	7	3	1	1	2	1	10	56
22	3	1	1	0	0	0	1	0	1	1	4	7	4	7	10	9	6	2	4	5	6	72
23	1	0	1	0	1	1	0	0	0	1	0	2	1	0	1	3	1	1	1	0	10	25
24	1	2	0	0	3	1	5	2	2	6	4	2	3	1	2	2	2	2	0	0	2	42
25	1	4	4	5	1	4	9	2	0	1	1	0	0	0	0	0	0	0	0	0	1	33
Total Doctors	2211	621	493	453	459	468	411	358	360	387	726	809	984	953	918	770	646	460	407	260	1105	14259

Total Payment

2063261.34 4779673.76 8015389.66 11020861.20 44371676.87 48384756.52 32908778.22

2709298.42 6189005.38 8023984.02 23936916.68 48583270.42 44462439.77 22581813.95

3645143.48 7709114.12 9154604.75 31583808.58 52248134.95 34437031.46 180111213.59

Table 5

Ministry of Health – Management Analysis Branch – Report–K3

Frequency distribution of doctors' payments for Jan. 75 to Dec. 75

*for identification of Specialty see Table 1 (SP#)

Payment range in 000's dollars

SP*	< 3	< 6	< 9	< 12	<15	<18	<21	<24	<27	<30	<36	<42	<48	<54	<60	<66	<72	<78	<84	<90	90+	Total
0	972	308	227	189	199	178	176	161	183	151	351	406	486	560	545	459	341	265	186	133	264	6740
1	69	12	8	6	13	10	13	16	9	8	38	35	46	37	52	37	56	44	61	39	134	741
2	103	27	25	34	32	29	26	21	18	23	52	51	71	55	63	52	43	57	35	28	155	1000
3	43	8	4	6	3	1	4	7	11	6	19	18	28	24	31	37	43	35	33	32	137	530
4	53	14	17	12	15	8	17	15	11	11	22	26	26	21	23	20	16	31	13	15	57	443
5	21	2	1	4	2	0	3	2	5	3	3	2	8	6	17	14	21	22	21	15	69	241
6	21	5	0	2	5	1	1	2	1	1	2	3	8	5	5	16	8	16	9	9	79	199
7	18	4	2	1	1	2	2	1	2	2	4	4	9	5	12	13	9	11	15	11	40	168
8	31	8	10	7	14	7	10	4	7	9	10	15	10	13	11	5	8	5	8	10	199	401
9	26	1	3	4	9	5	3	5	4	9	27	32	59	87	83	60	45	30	7	2	7	508
10	36	24	17	34	49	56	62	50	34	49	54	40	10	5	6	2	0	2	0	1	0	531
11	4	4	4	1	1	2	1	2	1	0	9	8	6	3	8	8	2	2	2	3	13	84
12	68	30	15	18	20	27	21	17	23	14	52	65	74	53	43	36	33	22	14	14	23	682
13	28	6	3	1	5	2	1	5	6	3	8	4	7	8	15	19	14	24	32	19	99	309
14	7	1	1	1	0	0	0	0	2	1	3	5	2	7	5	10	8	10	6	10	41	120
15	19	3	5	0	1	2	0	2	3	1	6	10	3	1	1	1	4	3	2	1	65	133
16	4	4	6	4	4	5	2	1	3	2	0	2	0	0	0	0	0	0	0	0	0	37
17	755	129	57	11	8	8	0	1	1	2	5	1	1	0	1	0	0	0	0	0	1	981
18	4	3	1	2	2	3	0	1	1	1	1	5	2	2	5	5	1	5	3	8	11	66
19	4	4	0	3	3	4	2	8	7	3	13	9	9	6	3	2	1	1	0	1	2	85
20	57	44	45	42	34	40	45	27	39	39	69	47	35	37	27	16	13	7	3	4	6	676
21	6	4	0	0	2	0	0	0	2	2	2	3	5	7	5	3	2	1	2	3	10	59
22	3	3	1	0	1	0	1	1	0	0	2	3	6	10	7	10	4	7	9	4	10	82
23	2	0	2	0	0	1	1	0	1	1	1	0	0	1	3	1	1	1	0	1	10	27
24	1	1	1	0	1	3	3	0	4	5	5	1	5	2	2	2	3	2	1	1	2	45
25	1	3	2	4	3	4	4	4	4	2	2	0	0	0	0	0	0	0	0	0	1	34
Total Doctors	2356	652	455	386	427	398	398	353	382	348	760	795	916	955	973	828	676	603	462	364	1435	14922

Total Payment

1987032.21 4061062.06 7728046.38 9918030.73 41283697.86 52079474.63 37311855.63

2812754.37 5783060.69 7913599.60 25069585.56 48793122.27 46626419.04 31661699.91

3357024.16 6580217.29 9748030.28 31050458.78 55480218.89 45156179.64 240902748.22

715304318.20

Table 6

	Gini Index		
	1975	1974	1973
General Practice	.43	.43	.44
General Surgery	.35	.33	.34
Internal Medicine	.50	.48	.48
Obs/Gyn.	.33	.32	.32
Pediatrics	.43	.42	.43
Orthopedic Surgery	.30	.29	.30
Otolaryngology	.33	.29	.30
Urology	.33	.29	.32
Diagnostic Radiology	.52	.52	.52
Anaesthesia	.21	.21	.22
Optometry	.32	.34	.33
Neurology	.39	.41	.38
Psychiatry	.38	.37	.38
Ophthalmology	.32	.32	.34
Dermatology	.25	.25	.25
Pathology	.66	.64	.66
Osteopathy	.38	.37	.37
Dental Surgery	.51	.50	.49
Oral Surgery	.35	.35	.33
Chiropody	.31	.35	.38
Chiropractic	.41	.40	.40
Neurosurgery	.39	.38	.49
Plastic Surgery	.26	.26	.29
Thoracic Surgery	.43	.33	.33
Physical Medicine	.34	.36	.44
Therapeutic Radiology	.38	.38	.34
All Physicians	.49	.49	.49

Note: The Gini Index is an index of income equality where 0 is perfect equality and 1 is perfect inequality.
The Gini Index has no absolute meaning. However, it is useful for comparisons over time and between specialties.

Table 7

Proportion of Physicians Practising Under the Plan*

	1975		1974		1973	
SP	Total Number Billing Plan	Prop. Under Plan %	Total Number Billing Plan	Prop. Under Plan %	Total Number Billing Plan	Prop. Under Plan %
0	6,740	94.14	6,570	94.12	6,194	93.60
1	741	85.41	736	85.04	740	83.25
2	1,000	93.52	896	92.53	885	91.46
3	530	64.49	507	63.98	504	63.24
4	443	92.99	397	91.52	391	91.12
5	241	85.26	210	85.41	209	83.59
6	199	81.56	171	82.55	173	81.40
7	168	71.52	157	70.99	159	70.62
8	401	93.12	380	90.78	371	87.92
9	508	71.34	481	71.77	489	71.14
10	531	93.19	520	87.43	491	85.21
11	84	93.81	75	92.66	65	93.17
12	682	72.70	602	72.72	593	73.31
13	309	73.01	291	74.02	293	74.64
14	120	95.48	108	94.58	106	94.17

(Table 7 – continued)

SP	1975 Total Number Billing Plan	1975 Prop. Under Plan %	1974 Total Number Billing Plan	1974 Prop. Under Plan %	1973 Total Number Billing Plan	1973 Prop. Under Plan %
15	133	97.70	126	97.56	119	96.36
16	37	80.88	38	73.43	42	69.81
17	981	98.05	999	98.62	968	99.15
18	66	99.16	59	97.77	56	99.07
19	85	76.40	82	72.70	78	65.14
20	676	95.09	626	93.49	588	90.51
21	59	91.82	56	92.45	55	92.12
22	82	77.67	72	78.67	70	75.09
23	27	90.72	25	88.51	26	84.09
24	45	100.0	42	100.0	45	99.40
25	34	100.0	33	100.0	32	100.0
Total	14,922	89.47	14,259	89.00	13,742	88.09

*Includes estates as well as out-of-province physicians based on number of physicians submitting claims on an opt-in basis.

144. Mr. Bain—Inquiry of the ministry: Is the Minister of the Environment aware of the recent response (October 19, 1976) made by the Hon. Romeo LeBlanc, federal Minister of the Environment, concerning federal action in the area of fluorocarbons and their effect on the environment? Further, is the minister aware that in that statement Mr. LeBlanc suggested that the problem, "is one which can only be attacked in a global way since it is a global problem. [it] is right to tie it to co-operation between not only the provinces and the federal government but between nations"? Has the minister met with or had discussions with federal authorities pursuant to this statement or to the problem of fluorocarbon contamination of the environment?

Answer by the Minister of the Environment (Mr. Kerr):

On October 19, 1976 in response to opposition question in the House of Commons; the Hon. Romeo LeBlanc, federal Minister of the Environment, made a short statement on the problem of ozone depletion in the stratosphere. This statement revealed his plan to make a policy decision after a report of the Advisory Committee on Stratospheric Pollution is released. The air resources branch of the Ministry of the Environment is aware of this activity and is in constant contact with Atmospheric Environment Services, Environment Canada. According to these contacts, the report mentioned above is scheduled for release shortly and the air resources branch will be receiving a copy of it. The air resources branch has been monitoring all new developments in this field. A recent letter to the Hon. Romeo LeBlanc offers co-operation of the province of Ontario in solving this problem as soon as possible.

145. Mr. Bain—Inquiry of the ministry: Does the Minister of the Environment intend to introduce legislation in Ontario to ban the use of fluorocarbons in aerosol products? If so, when?

Answer by the Minister of the Environment:

The problem of ozone depletion is of global nature and has to be dealt with on an international scale. However, if further research indicates a significant threat to human health, the Ontario government is prepared to restrict all non-essential uses of fluorochlorocarbon compounds in Ontario.

146. Mr. Bain—Inquiry of the ministry: Does the Minister of Consumer and Commercial Relations have information relating to the production and distribution of fluorocarbon-containing products in Ontario for the years of 1973, 1974 and 1975? In particular, would he provide the House with the following information for the afore-enumerated years: (i) the production of each major type of fluorocarbon by weight (F-11, F-12, F-22, F-113, F-114 and others); (ii) the companies which are producing each type of fluorocarbon and the types which each are producing; (iii) the value/number of aerosols being produced and/or sold in Canada; and (iv) the percentage of aerosols being produced and/or sold in Ontario which contain fluorocarbons?

Answer by the Minister of the Environment:

The requested information can be summarized as follows:

(i) Total Canadian Production Figures

(millions of pounds)

Year	F-11	F-12	F-22	Other	Total
1975	19.0	21.3	3.0	5.4	48.7
1974	23.2	26.4	0	6.2	55.8
1973	19.6	21.8	3.0	3.6	48.0

(ii) Allied Chemicals Limited, Amherstburg, Ontario, produces F-11, F-12 and F-22; Dupont of Canada, Maitland, Ontario, produces F-11, F-12, F-22, F-113 and F-114; (iii) number of units sold in Canada: 1976—150 million (estimated), 1975—151 million, 1974—170 million, 1973—164 million. The estimated sales value for these units in 1974 was $270 million; (iv) about 40 to 50 per cent of the total "aerosol cans" produced use fluorocarbons as a propellant.

Note: Ontario distribution figures represent 35 to 40 per cent of those mentioned above.

178. Mr. Cunningham—Inquiry of the ministry: 1. Would the provincial Treasurer please provide the total cost to date for the implementation of the Parkway Belt? 2. What moneys have been allocated for acquisition of lands for the next two years?

Answer by the Treasurer (Mr. McKeough):

1. I am interpreting the question of implementation costs as the costs of land acquisition to accommodate approved projects of Ontario Hydro (principally the 500 kv transmission line between Milton and Woodbridge), Ministry of Transportation and Communications and the advance purchase programme. This does not constitute 100 per cent of the implementation costs as there are others, including the costs of the public hearings (completed November 23, 1976), publication of draft plan, staff costs accruing to various ministries involved in plan preparation, public displays, et cetera. The land acquisition costs that follow constitute well over 95 per cent of the total implementation costs to date.

The Ministry of Government Services is the purchasing agent for all lands acquired within the Parkway Belt planning area. Information provided by MGS, which was given to the Parkway Belt hearing officers on November 15, at their request, indicates the following land acquisition costs for the period June, 1974, to October 8, 1976: (a) MGS for Hydro, 4,914 acres —$62,273,791; (b) MGS for MTC, 248 acres—$4,103,000; (c) MGS for advance purchase distress programme, 3,456 acres—$50,477,582; sub total, 8,618 acres—$116,854,373; (d) MGS for MNR (Bronte Creek Provincial Park) 1971-1974, 1,690 acres—$5,600,000; (e) MGS (Oakville Sports Complex) August, 1974 to April, 1975, 535 acres—$5,818,000; total, 10,843 acres—$128,272,373.

It should be noted that: (1) Purchases made byMGS on behalf of Hydro often included land required for other than Hydro purposes in that it has been our policy to acquire all provincial land needs in one negotiation rather than acquiring part of an individual's land for Hydro, then going back next year for highways, next year for public open space et cetera; (2) Purchase made by MGS on behalf of MTC often includes land required for other than specific MTC needs; (3) Purchases under the advance purchase distress programme will include lands required for Hydro transmission, highways, future utility and rapid transit routes, public open space et cetera; (4) Purchases made include lands additional to defined provincial needs as expressed in the parkway draft plan because of the necessity of acquiring remnants of the original property which becomes extremely difficult for the owner to use by virtue of the provincial acquisition; (5) Prior to February, 1976, the policy of this government in acquiring land for Hydro purposes, was to give the owner the option to either sell (fee or easement) only that portion of his property specifically required for public purposes, or to sell the entire parcel even though it was in excess of the provincial need. Many persons took the latter option and as a result land in excess of the public land needs defined in the draft plan were acquired. In some instances the land purchases went beyond the boundaries of the Parkway Belt planning area defined initially in 1973, and subsequently modified.

2. The budget allocation for the current fiscal year is $28,000,000 for the advance purchase programme and the Ministry of Transportation and Communications needs, plus $22,000,000 estimated for Hydro's 500 kv line land requirements. To estimate the budget allocation for the fiscal year 1977-1978 is not possible yet as there are so many major variables which will not be capable of accurate measurement until later in 1977. The principal unknown is what the hearing officers will recommend in their report (not expected until late February, 1977)

and the reaction of the cabinet to the recommendations made. Should the hearing officers recommend that the area proposed for public open space be contracted or expanded, it will have a substantial effect on total costs and the rate of spending. Should the officers recommend, as a hypothetical example, that the timing of acquisition be dependent on the owners' wishes rather than provincial need, the amount of budget allocation could be substantially influenced. These are two of many possible examples which could affect the budget allocation.

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No. 137

Ontario

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Third Session of the 30th Parliament

Monday, December 13, 1976

Evening Session

Speaker: Honourable Russell Daniel Rowe
Clerk: Roderick Lewis, QC

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LEGISLATURE OF ONTARIO

The House resumed at 8 p.m.

EMPLOYEES' HEALTH AND SAFETY ACT
(concluded)

Resumption of the adjourned debate in committee of the whole House on Bill 139, An Act respecting Employees' Health and Safety.

On section 4:

Mr. Chairman: Order, please. When we rose at 6 o'clock it was the impression of the Chair that the hon. minister had something to say. We are dealing with section 4, subsection (1).

Hon. B. Stephenson: Mr. Chairman, my only remark was that we had introduced an amendment to section 4, subsection (1) and I was a little concerned about the route of management of that amendment in view of the fact that the hon. member for Nickel Belt had introduced an amendment which covered the entirety of section 4. I was asking for guidance on the deliberations in this area.

Mr. Chairman: It is the intention of the Chair to deal specifically with the amendment, in particular subsection (1). We are going to get ourselves into a great deal of difficulty if we deal with the total of the amendment at this time and then have to go back to other subsections of section 4 where there are amendments proposed by the minister. We are dealing specifically with section 4, subsection (1).

Mr. Laughren: Mr. Chairman, I have already spoken on the sub-amendment which I have placed. I would only suggest to you and, through you, to the minister and to the Liberal Party that if it is their wish to treat section 4, subsection (1) separately from the rest of section 4 it might make it easier in terms of debating it and in terms of voting on the sub-amendment.

Mr. Bullbrook: We've had the opportunity over the dinner hour of speaking with the minister and with the critic of the New Democratic Party. If you'll permit me I want to think out loud, and if I'm voicing anything of confidence I trust immediately that someone who feels it is an intrusion of confidence will advise me so.

I had stated prior to dinner that I appreciate very much the intention of the New Democratic Party members in proposing their amendment. I felt, frankly, that playing the numbers game was arbitrary at best and ineffective at worst, and I just can't advise my colleagues to go along with the New Democratic Party amendment. I frankly feel that there might be thousands, if not hundreds of thousands, of employees in the province of Ontario who might be deprived of the efficacy of the legislation because of the fact that we exclude those establishments with fewer than 10 employees.

I had anticipated an amendment which would have said and, if you would permit me, which would have in effect made it mandatory upon the minister to provide for a health and safety committee where an employee, group of employees or the collective bargaining agent representing the employees requested same, the intention being that where you have in being a health and safety committee established voluntarily, one would anticipate that it would be more efficacious because of the voluntary nature of same, than one structured under the committee.

Therefore, I wanted to ensure that those who had over decades established committees of that nature would not be compelled under some mandatory word in the section to have the minister impose a new committee upon them. Therefore the use of the word "shall" in the universal sense was not attractive to myself and my colleagues. We, therefore, anticipated that it would be mandatory for the minister to invoke her statutory powers only where requested by the employees and so on.

On the other hand, as a result of discussions over the dinner hour it seems to me reasonable that to put it in the singular invites perhaps undue intrusion where intrusion isn't needed.

On the other hand, I want to say that's what section 2 was all about, and I've got to voice that again, because it's the individual employee judgement, under section

2, that is really the causa causans of the whole legislation. Frankly, I'm prepared myself to consider the propriety of having the minister act in a mandatory fashion where a majority of the employees request the imposition of the statutory health and safety committee.

Then it's been brought to my attention that there might be times where a majority of employees, as a result of inertia on their part, perhaps as a result of outside influence, might not seek the request and the Minister of Labour under this legislation and complementary legislation is placing in her own hands not only the power but the duty, the duty to see that the employees are protected, and with that I totally subscribe, and were I that minister I would not want by reason of words to be divested of the ability to exercise that responsibility. That's why I feel, frankly, the numbers game doesn't satisfy either the minister or myself and I think in the long run the critic for the New Democratic Party.

So we're caught up in a strange dichotomy that we all want to resolve and I don't know the words to resolve it. I voice this out loud, through you, Mr. Chairman: Where there is a happy situation prevailing, where there is a health and safety committee satisfactory to a majority of employees, satisfactory to management, why intervene? There is the need of absolute intervention, mandatory intervention, where a majority of the employees want or the employer wants intervention. Thirdly there is the ability, based on criteria established in the statute, for the minister to intervene when there isn't such a request and when there isn't a health and safety committee.

She can then truly exercise that discretionary judgement, or on the basis of information rendered to her from her ministry, statistical or otherwise, she can say: "I am not content with the health record or safety record in that plant. Even though a majority of employees have not requested it, I will exercise my function under the purview and within the parameters of the criteria established under the statute." Surely there must be among the 125 of our peers someone with enough intelligence to write that down. I can't. I am going to try to write it down, but I haven't been able to yet.

I am very interested in the point raised by my colleague, the member for Nickel Belt, and the hon. minister responding. Supposing there is a group in society that looks with great disdain—almost anathema—on the concept of mandatory imposition of a health and safety council. Surely we can relieve them—nay, more than that, surely we have a duty to relieve them—if we can say that a majority of employees have requested this. If it becomes a situation that's insurmountably administratively complex—and here both the member for Nickel Belt and the minister have educated me—then let the minister come back in March or April and say, "I am sorry, my colleagues, it can't work. I just don't have the administration to respond to these requests."

I will be the first to try to lead the debate in changing it back, but frankly—and I will close by repeating this—we don't render discretion to the incumbent minister. We never have. We never will. We don't leave it to Hon. Bette Stephenson to exercise her responsibility. When we give discretion, we should give it to cabinet ministers exercising this portfolio for as long as the legislation might be there—for a decade or more. Frankly, in the light of the tenor and intention of the legislation, I don't feel we can do less than assure those who wish to have a health and safety committee, no matter where they work, that on the basis of the democratic process in their establishment they should have one.

Mr. Laughren: If I might respond to the member for Sarnia, it seems to me that the member for Sarnia and the minister and I and others all agree we are striving for the maximum protection of workers on the job in such a way that it's pragmatic, that's it's possible, that we are not building some kind of nightmarish model that won't work. We don't want that any more than anyone else. I get the impression from the minister that she thinks that is what we are suggesting in our amendments.

We are not. We have thought through our amendments carefully. We have checked other jurisdictions and we feel that our amendments will work. If we are talking about maximum protection for workers, and at the same time building it into a structure that's pragmatic, then I see no reason why making the safety and health committees mandatory for places of work with over 10 employees imposes any kind of burden on the ministry. The onus is upon the employer to establish the committees.

Secondly, if we are worried about the numbers game and the fact that employees in places of work where there are fewer than 10 employees might be discriminated against, I would draw your attention to our amended section 6. It says that if there's a problem in a work place with less than 10 employees, the minister shall designate that there be a safety

and health committee in that particular work place.

Finally—the member for Sarnia touched upon this and I agree with him—if there is a problem when we enact this bill between the time the bill is proclaimed and the time that the omnibus bill is introduced and debated, then we also would agree with any kind of amendment that would make it workable. If any part of this bill we're bringing in turns out to be nightmarish then we would have nothing to gain by continuing to support something that was not workable.

[8:15]

I would suggest to the minister that she seriously think about who it is that would find it anathema to have mandatory committees. The workers in the province of Ontario? I doubt that very much. The only people who will find it very difficult to live with are some of the employers in the province of Ontario who simply don't want what they regard as a management right taken away from them. We don't believe that's a management right and the minister doesn't really believe it at this point in time either, or this bill would not be before us and we would not be debating it. Obviously she thinks that occupational health and safety should come under the purview of the workers as well as management.

Therefore, I would suggest to her that she not be deluded or misled into thinking that because we would make health and safety committees mandatory in places of work where there are more than 10 employees, or in places where there are less than 10 employees when there is a problem in the work place, we're trying to create an unworkable structure. That's not the case at all. I don't believe the employers in the province of Ontario have a thing to worry about, unless their place of work is unsafe.

Mr. Haggerty: I just want to speak on the amendments put forward by the minister and by the member for Nickel Belt. I'm a little concerned about the proposed amendment that says the minister may by order in writing require an employer to establish a joint health and safety committee. I believe on second reading of the bill I suggested to the minister she should have something in the bill to the effect that where it is requested by an employee or a group of employees where there is no safety committee, one be established. I think that's rather important. Perhaps that is the crux of the understanding of this particular section of the bill.

With regard to other ministry staff that are speaking throughout Ontario and other countries, I want to quote something from the IAPA magazine of November, 1976. One story is headed: "Government's Role in Safety, Health Should Have Limitations, Says Labour Ministry Official." Mr. Hushion was addressing a workshop on safety and health in the chemical industry, co-sponsored by the Manufacturing Chemists Association in Washington, DC. He told the workshop delegates: "People in government feel that effective control can be improved by having employers and employees establish and run their own monitoring programmes in accordance with government standards for monitoring." He said that means "we can rely less on the routine inspections and concentrate on the post-audit function established and run on a priority basis.

"There are and indeed should be limitations on the role of government in a field such as occupational safety and health. Government's role is to facilitate and ensure compliance with well-conceived standards, not to stand over the shoulder of every employer and employee. The remainder of the responsibility for compliance must rest with labour and management."

If you look at that particular section where it says "the minister may," you have to wonder how the two policies you're trying to head for are going to solve the problem of health and safety in industry. It's not going to do it if you use the word "may" there. There should be another word there, perhaps "mandatory," as suggested by the member for Sarnia. There's got to be something different from "may." You must provide an opportunity for other persons to join in a health and safety programme or a safety committee in industry in Ontario.

I suggest that what you intend under section 4 of the bill, speaking from that article in the IAPA magazine, is in direct conflict with one another. Surely if you're going to have that, you're going to have difficulties in administering this Act in every industry in the province of Ontario.

I can't quite go along with the amendment proposed by the NDP where it requires 10 or more to make it mandatory. I can't accept that. In my past history of working in industry in the Niagara Peninsula I have seen a number of industries—small industries with three to five personnel employed—dealing with toxic chemicals. All they are doing is mixing the concentrate, putting it from one container into another and mixing it and it it shipped out. It is just like a warehouse but the chemical is deadly. In some cases they

only have three or four persons there doing the job and I think they should be protected under this Act. On the recommendations of an amendment put forward by the NDP, this isn't going to cover every workman in the province of Ontario and I can't quite accept that.

I am not satisfied with this section. I think there must be some way for a person to request to join a health and safety committee or have one established in any plant or industry; they should have that right. I sense, by reading the comments of the IAPA and your suggestions here, that you are going to leave it up to industry to decide. I think you should have more input from the Ministry of Labour and not depend on labour and management to see that this is going to be done properly. You have to have the watchdog there. That's what many other employers can look forward to—if they are not satisfied with what's going on in the industry they can report to the Minister of Labour themselves and that door should be open.

I suggest that perhaps the comments of the member for Sarnia are a more reasonable aproach to it, and hopefully you will accept it.

Mr. Mackenzie: There are only two or three things I want to say on this section. I want to make it very clear that we said from the start on this bill that if there were two sections we would divide on, they were 2 and 4. We considered them to be a key to the bill and certainly the mandatory committee aspect is one of them. We welcome, I think, the changes the minister has brought in to date in some of the sections. They are not all we want but they are helpful; certainly in this section there are changes which should be made.

I would like to point out to the member for Sarnia that having mandatory committees does not necessarily mean the dissolving or booting, if you like, of all the existing committees. There is no reason we can't work with them and I think the intent of the legislation is that we do. I think it's one of the games, quite frankly, that the member for Sarnia has been playing in this whole issue.

He's been talking about the numbers game all night. We've listened to the rhetoric and we've done enough penance.

Mr. Shore: You straighten it out. You will be all right.

Mr. Swart: Are you speaking as a Liberal or a Conservative?

Mr. Mackenzie: We want this bill. We'd like it through and we think it should be through this evening. I say to the Liberal members if they want to cut the rhetoric and take a look at these issues—

Mr. Reid: After all the nonsense we have heard—you've got a nerve. I have heard hypocrisy and sanctimoniousness, but you are overdoing it.

Mr. Swart: You practised it, too.

Mr. Macknezie: It hurts, doesn't it, when you're caught playing games?

Interjections.

Mr. Chairman: We have a lot of work to do in this committee tonight. Will you stick to the principle of the amendment to the amendment without interruption?

Mr. Macknezie: That's very simple. I am simply saying that if they want to put their vote where their mouth is, let them vote with us on it; if not they can defeat us and vote with the government as I expect them to. I think it's time we got on with the bill and put the amendment and voted on it accordingly.

Mr. Singer: He is out of order again.

Hon. B. Stephenson: I have listened very carefully to the arguments put by the hon. members for Nickel Belt, Hamilton East and Sarnia. I have also listened very carefully to the arguments put by the representatives of employer groups during the standing committee hearings.

I think it is important to recognize that the purpose of this bill, as the hon. member for Nickel Belt has said, is to protect the workers. In order to do that I think we must have the co-operation of all groups involved. If we introduce legislation which is entirely antagonistic to the wishes of one group or another, it would seem to me we are prejudicing the success of this portion of the interim bill.

I am wondering if the problem might be in some way improved or corrected to a degree if, as I suggested earlier, we were to omit the phrase, class or group of employers as defined in the order and, under section 2, which I have to go to right now—in spite of the fact that I have complained about considering other sections than simply section 4(1)—under section 2, amend that section by adding "the minister shall consider," and adding a clause (c) which states "the request of a majority of the employees in an estab-

lishment" as a part of the criteria which the minister must consider in the process of establishing a health and safety committee. That would renumber clauses (c), (d) and (e) as (d) (e) and (f) as a matter of fact, and I'll write that out for you in a moment.

It seems to me that this would ensure that the minister must consider the various criteria in section 2 but still have the power to make that consideration on the basis of the request of a group of the employees in any establishment so that indeed we will not be playing the numbers game, so that indeed we will be able to establish committees where it is necessary to do so on the basis of record or on the basis of the concern of the employees that whatever system is presently functioning is not working sufficiently satisfactorily.

I'm wondering if—now he's gone—the hon. member for Sarnia—

Mrs. Campbell: He has gone to find out if he can find a typist to type out the amendment.

Hon. B. Stephenson: It would be helpful if he were here, because we had discussed this specific concern of his.

Mr. Peterson: Just keep talking.

Hon. B. Stephenson: I am concerned that indeed if we do move at this stage to mandatory committees we may lose the co-operation of a very important segment within this co-operative effort, and that is the co-operation of employers. We heard from every single employer group during the hearings on their opposition to the concept of mandatory committees at this time.

We certainly heard from the representatives of the unions that they would be happier with mandatory committees, but they did not, in fact, state specifically that this was the only way for this legislation to go. What they said was that they wanted to see this legislation passed as rapidly as possibly without being watered down.

In no way would the addition I am suggesting as an amendment to this section be considered a watering down. It would, in fact, strengthen that section because it would ensure that the minister would have to consider the request of employees in addition to other factors, or perhaps solely as the criteria for establishing a committee. It would seem to me that this is a rational way in which to move, in this interim period at any rate. If we find that it doesn't work, then indeed when the omnibus legislation is introduced we can most seriously consider the possibility of introducing mandatory committees, but I should hate to prejudice the potential function of this piece of legislation by introducing a concept which is entirely in opposition to the stated position of almost every single employer in this province. I think that would be extremely unwise, Mr. Chairman.

Mr. Bounsall: Posturing.

Mr. Sweeney: A question to the minister, through you, Mr. Chairman: Madam Minister, going back to what you just said, does that mean where there is, in fact, a health and safety committee already in existence and it is deemed to be satisfactory by the employees, then you as the minister would not intervene?

Hon. B. Stephenson: That's right.

Mr. Sweeney: Thank you.

Mr. Bullbrook: Recognizing that for me to put a motion is out of order, I would put it in this context: I asked our colleagues to consider, if they would, the possibility of a motion which rendered it mandatory to the minister to impose, where a majority of the employees have requested the imposition, which provides in new section 2 that notwithstanding the mandatory provisions of subsection 1, the minister may require the imposition of the committee where in her discretion the criteria as now in 4(2) are established. So in effect, the intent of that amendment would be that where a majority of employees request she must act, and even where a majority or any employees do not request she can order same on the basis of the criteria in the statute now. I ask members to consider the propriety of that type of amendment.

[8:30]

I say this—and our colleague the member for Nickel Belt has said this—if this imposes an undue administrative burden, let's come back and show us that it does. But frankly, the intention of this legislation is a two-way street and we can't be beholden to any group, be it employer or employee. We want to assure that where employees feel the necessity of a health and safety committee, that there can't be any ambivalence under the statute, there must be action by the minister in that circumstance.

Mr. Laughren: I really don't want to unduly delay the debate, but it seems to me that if we're serious about maximizing protection to the employees, we can't fool around with safety and health committees.

Either we believe in the principle of mandatory safety and health committees on the job or we don't believe in mandatory safety and health committees on the job.

You cannot, it seems to me, build into legislation the proviso that committees are mandatory if the majority of employees want them. There are, I imagine, innumerable examples in which employees would not muster a majority of support for the establishment of safety and health committees, say in small groups of employees; earlier I referred particularly to lumbering companies. In small operations, the employees simply would not come forward to support the establishment of safety and health committees. While the minister might be somewhat dubious about this, I can assure her there are work situations in the province of Ontario in which employees are indeed hesitant to step forward. In small organizations, I can assure her, the employer would know within an hour which employees had indicated they wished to support a safety and health committee at that particular place of work.

We could not support an amendment to this amendment that would make it discretionary if there was a majority of employees on the job. If we're serious about it, we establish mandatory safety and health committees where there are 10 or more employees, and for less than 10 employees when there's a problem in the work place. We too are concerned about creating the kind of structure that's not workable, but I don't see that making it at the discretion of the majority of workers is the answer. We're saying there should be safety and health committees in all places of work, so let's get on with it.

The committee divided on Mr. Laughren's amendment to the amendment that section 4(1) of the bill be struck out and the following substituted therefor: "(1) Every employer of 10 or more employees shall establish a joint health and safety committee or committees for a work place or any part or parts thereof," which was negatived on the following vote:

Ayes 24; nays 64.

[9:00]

Mr. Chairman: We will now deal with Hon. B. Stephenson's amendment that section 4(1) of the bill be amended by striking out "or a class or group of employers as defined in the order" in the second and third lines thereof.

Those in favour will please say "aye."

Those opposed will please say "nay."

In my opinion, the ayes have it.

I declare the motion carried.

Order, please. We are dealing now with section 4(2). The hon. minister has an amendment.

Hon. B. Stephenson moves that section 4(2) be amended by deleting the word "may" in the second line and substituting therefor the word "shall" and by adding section 4(2)(c) "the request of a group of the employees or the trade union representing the employees in a work place." The following sections would therefore be renumbered.

Motion agreed to.

Mr. Chairman: That deals with section 4(2). We now have an amendment to subsection 3. Will the minister move her—

Interjections.

Hon. Mr. Rhodes: The member doesn't even understand what it is—you rub sticks together—

Mr. Chairman: Order. Does the Minister of Housing want to be made Minister of Natural Resources or something?

Hon. B. Stephenson moves that section 4(3) of the bill be amended by striking out "at least" in the second line thereof.

Motion agreed to.

Mr. Chairman: Wait a minute, there was an amendment to section 4(3) put earlier this afternoon. If I put the question on this, that section carries. What's your wish on that?

Mr. Nixon: It only carries if the amendment is defeated.

Mr. Laughren: I am confused, Mr. Chairman because there is also an amendment to section 4(2).

Mr. Nixon: It doesn't carry.

Mr. Chairman: Subsection 2 is carried. You have an opportunity if you wish to reput your amendment to section 4(3) as an amendment to the minister's amendment, if you so wish.

As an amendment to the amendment, Mr. Laughren moves that section 4(3) be amended by the following: "The members of the committee shall elect two of the members as co-chairpersons, one of whom shall represent the employees and one of whom shall represent the employers."

Hon. B. Stephenson: Mr. Chairman, could I ask whether that amendment as presently

presented is meant to substitute for the present subsection 3? If it is, it gives no criteria for membership of the committee.

Mr. Davidson: No, it is not meant to.

Mr. Nixon: On a point of order, Mr. Chairman, you have an amendment that you have put to us indicating that the minister wants to put the phrase "at least" in. I would suggest—

Hon. B. Stephenson: No, delete it.

Mr. Nixon: You take it out or something.

Mr. McClellan: Glad you clarified it.

Hon. Mr. Kerr: We have.

Mr. Nixon: I would suggest that you could clear that out of the way. Then the subsection as amended could be further amended. As I understand it, it's only when an amendment is defeated that the section carries and then it's away from us.

Mr. Hodgson: You are a great leader yet, Bob.

Mr. Chairman: If it is the wish of the committee, with that understanding I'd be happy to put the minister's amendment. Shall the minister's amendment to strike out "at least" in section 4(3) carry?

Motion agreed to.

Mr. Chairman: Mr. Laughren moves that the members of the committee shall elect two of the members as co-chairpersons, one of whom shall represent the employees and one of whom shall represent the employers.

Mr. Bullbrook: I think our colleague means to add that phrase. If he would just rephrase that, then—

Mr. Chairman: Do you wish to add that to section 4(3) as it presently stands?

Mr. Bullbrook: Have you any objection to that?

Mr. Laughren: That is acceptable.

Mr. Bullbrook: If I might just speak to that for a moment. I see no inherent objection to it, except the general objection. We seem to be structuring things for people unduly. However, I don't know why the minister should have any violent objection; I think we can support it.

Hon. B. Stephenson: I have no violent objection except that it seems to me to be less than practical to have two people leading any one horse. I would think it would probably be more sensible if one chairman were elected. I really feel that we should permit a degree of flexibility. If the group wants to elect co-chairpersons, that's perfectly fine. If they want to elect one chairperson, that's fine too. I don't think we should build in rigidity.

Hon. Mr. Henderson: What about "chairman"?

Mr. Laughren: The main reason we have included this amendment is that where it has been experimented with in the work place by safety and health committees, it has worked quite well. I think it indicates that the entire question of occupational health is a dual responsibility in the work place and for that reason I think that the amendment should stand.

Mr. Chairman: All those in favour of Mr. Laughren's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

I declare the motion defeated.

Mr. Hodgson: Is the member for Sarnia standing with the NDP?

Mr. Chairman: Will we stack that?

Mr. Bullbrook: I want to see if you are the same fellow I had dinner with.

Mr. Davidson: Get back in your seat and do your job.

Mr. Chairman: Do you want to stack that one?

It is stacked.

We are still dealing with section 4, subsection 4. The member for Nickel Belt has a further amendment.

Mr. Laughren moves that subsection 4 of section 4 should read:

"It is the duty of a committee and it has power to,

"(a) identify situations that may be a source of danger or hazard to employees;

"(b) make recommendations to the employer and employees for the improvement of the occupational health of employees;

"(c) establish and maintain programmes, measures and procedures respecting the health and safety of employees and monitor their effectiveness;

"(d) obtain information from the employer or other persons respecting,

"(i) the identification of potential or existing hazards of materials, processes or equipment, and

"(ii) health and safety experience and work practices and standards in the same or similar industries;

"(e) maintain and keep minutes and records of its proceedings and it shall make the same available for examination and review by an inspector or engineer."

We're going to get ourselves into difficulty if the minister doesn't move her amendment to section 4, subsection 4(c), which I had hoped that she would have done first.

Hon. B. Stephenson: Mr. Chairman, had I had the opportunity to, I should have been pleased to.

Mr. Germa: You are so bashful.

Mr. Bain: You are no wallflower.

Mr. Chairman: Order please.

Hon. B. Stephenson moves that clause (c) of subsection 4 of section 4 of the bill be struck out and the following substituted therefor:

"(c) recommend the establishment, maintenance and monitoring of programmes, measures and procedures respecting the health and safety of employees."

Hon. Mr. Kerr: That will carry unanimously.

Mr. Chairman: We will deal with the minister's amendment to section 4(4)(c) first and we'll treat Mr. Laughren's amendment as an amendment to the amendment. So we will deal with the minister's amendment.

Motion agreed to.

[9:15]

Mr. Chairman: We will now deal with Mr. Laughren's amendment as read earlier. Any discussion?

All those in favour of Mr. Laughren's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

I declare the motion defeated.

We have further amendments to subsections 5, 6 and 7, and the addition of a new subsection 8. If the hon. member for Nickel Belt will place those amendments before the committee, we'll take them all as one, if that is the wish of the committee.

Mr. Laughren: If I might make a suggestion at this time, Mr. Chairman, I could move these amendments and then perhaps vote on the stacked amendments, as I indicated earlier.

I move section 4(5):

"(5) It is the duty of an employer to provide such information requested under clause (4) of subsection 4 as is in his knowledge or possession.

"(6) An employer shall post and keep posted the names and work locations of the committee members in a conspicuous place or places where they are most likely to come to the attention of his employees.

"(7) A committee shall meet during working hours at least once a month or when either of the co-chairpersons or two or more members deem necessary."

The new addition:

"(8) A member of a committee is entitled to such time from his work as is necessary to attend meetings of the committee and all time taken for committee work shall be deemed to be work time."

Mr. Chairman: Could we have some order, please? It's very difficult for the Chair not only to hear, but to determine the way in which he will put these amendments to the committee, because it's not indicated in the amendment before the chairman whether this is an addition. Are you amending the section by adding the following or substituting?

Mr. Laughren: Mr. Chairman, it might help if I indicated to you that when the amendment was drafted, the entire section 4 of the bill was to be struck out and these sections substituted therefor. Therefore, it would appear that when we get to the individual sections, the intention was that they would replace the existing sections, with the exception of section 8, which was an addition.

Further, on a procedural matter, Mr. Chairman, if I might, I would ask your guidance while so many members of the chamber are here as to whether we could proceed with the vote on the amendment on section 4(3) if that's acceptable to the committee.

Hon. Mr. Auld: Mr. Chairman, is that the amendment that was stacked?

Mr. Chairman: Yes. There was an amendment to section 4(3) that was stacked. But we're dealing now with subsections 5, 6 and 7, and a new subsection 8.

Mr. Bullbrook: You want to deal with those before a vote on section 4(3), I take it?

Mr. Chairman: Yes. Is there any discussion of Mr. Laughren's amendment, which deletes and replaces subsections 5, 6 and 7, and adds a new subsection 8?

All those in favour of Mr. Laughren's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

I declare the amendment defeated.

Mr. Bullbrook: In connection with the vote on section 4(3), I am wondering if our colleagues would consider the last recorded vote as carrying this vote also?

Mr. Chairman: What is your wish? The hon. member for Nickel Belt indicated he wanted a vote on section 4(3) at the same time. Now it's stacked.

Mr. Laughren: Yes. The only reason I hesitated is that I understood the spokesman for the Liberal Party to indicate he was supporting us on that amendment.

Mr. Bullbrook: I said frankly that it made no difference to me.

Ms. Gigantes: Then let's vote on it.

Mr. Bullbrook: Frankly, there is no rule that I know of that when I feel a degree of non-commitment I have to vote either way. I have decided and I trust my colleagues will go along with me, that in view of the lack of the other section carrying, it would not be appropriate to the structure of the section for this subsection to carry.

Mr. Nixon: A very reasonable position.

Mr. Bullbrook: I would therefore ask them to vote against the subsection.

Mr. Chairman: It's stacked until the members are called in.

Mr. Laughren: They are already here.

Mr. Davidson: On a point of order, Mr. Chairman.

Mr. Chairman: There is no point of order; everything is in order.

Interjections.

Mr. Davidson: Can I ask a question of the Chair? Is it possible for the Minister of Housing, the member for Sault Ste. Marie, to vote sitting in a seat that is not his in the Legislature? If he is doing that, is he not out of order?

Mr. Laughren: Mr. Chairman, on a point of procedure, would it aid the process of the committee if we accepted the previous vote on section 4(3) in order to prevent calling in the members at this time?

Mr. Bullbrook: Agreed .

Mr. Laughren: Would that expedite the matters of the committee?

Mr. Chairman: The amendment is lost.

Mr. Bullbrook: That's right.

Mr. Laughren: That's correct. I'm talking about section 4(3), in view of the fact that the critic for the Liberal Party has indicated that they are not supporting our amendment.

Mr. Chairman: I declare Mr. Laughren's amendment to section 4(3) defeated.

Section 4, as amended, agreed to.

On section 5:

Mr. Chairman: Hon. B. Stephenson moves that section 5(1) of the bill be struck out and the following substituted therefor:

"The minister may, by order in writing, require an employer to cause the selection of one or more safety representatives for a work place, or any part or parts thereof, from among the employees employed at the work place who do not exercise managerial functions and may from time to time give such directions as the minister considers advisable concerning the functions of a safety representative."

Mr. Laughren: I assume that this amendment is to remove the class of employers from the existing bill. Is that correct?

Hon. B. Stephenson: The amendment simply ensures the safety representative in any work place will be one of the employees employed at that work place.

Mr. Bullbrook: Who does not exercise managerial duties.

Hon. B. Stephenson: And who does not exercise managerial duties, yes.

Mr. Chairman: We are going to get ourselves into great difficulty here and this always happens when the Chair is given a list of proposed amendments in advance of the fact. If we are going to discuss the minister's amendment and vote on it, you are going to be precluded from moving an amendment that the Chair inadvertently knows about. If you have an amendment to the amendment, you had better put it now or forever hold your peace.

Mr. Nixon: Mr. Chairman, on a point of order. I don't think that need trouble you as much as you indicate—unless the minister's amendment is defeated of course and if an amendment is—

Mr. Chairman: But I can't anticipate that.

Mr. Nixon: No, but if an amendment is defeated, the section carries.

Mr. Chairman: That's right.

Mr. Nixon: But if an amendment carries then that section as amended can be further amended and it needn't trouble you.

Mr. Chairman: It won't trouble me in any event, it might trouble some members of the committee.

Mr. Nixon: It won't trouble me either. Why should it trouble you at all? Whoever gets the floor moves ahead with the thing.

Mr. Chairman: That's right, it doesn't trouble me at all.

Mr. Nixon: Good.

Mr. Chairman: I'm just alerting the committee to the fact that if the amendment carries the section carries.

Some hon. members: No.

Mr. Nixon: No, only if the amendment is defeated does the section carry.

Mrs. Campbell: If the amendment is lost.

Interjections.

Mr. Chairman: You see, I can't anticipate what's going to happen. We have been going all along by the system that if there were two amendments, we consider one an amendment and another an amendment to the amendment. That's the way we have been handling it.

Mr. Laughren: Mr. Chairman, would it be in order for me to move an amendment?

Mr. Chairman: Yes—an amendment to the amendment.

Mr. Laughren: That's what I thought you meant.

I move that subsection 1, 3, 4 and 5 of section 5 of the bill be struck out and the following substituted therefor:

"(1) Every employer of 10 or more employees shall establish the position of one or more health and safety representatives for a work place or any part or part thereof from among the employees who do not exercise managerial functions, and may from time to time give such directions as the minister considers advisable concerning the duties of a health and safety representative."

Subsection 3, of section 5: "The duties of the health and safety—

Mr. Chairman: No, I don't want you to go any further than that. We're dealing with 5(1), and we'll deal with the amendment to the amendment to section 5(1) that has just been moved by Mr. Laughren. Is there any debate?

Mr. Bullbrook: I just want to reiterate if I may my understanding of the intention of our colleague from Nickel Belt. But frankly since we've rid ourselves of 4 and attempted to come to some reasonable conclusion, this is really a reiteration of the principle enunciated in 4 and applied in the context of 5. I think it's too late in the evening to get into the merits of that again and it would be my intention to recommend to my colleagues that we don't support the amendment of the New Democratic Party, that we support the amendment of the government.

Mr. McClellan: We are having a live caucus meeting here.

Mr. Chairman: Any further discussion on the amendment to the amendment?

Mr. Laughren: Mr. Chairman, just so the member's colleagues understand what they are voting against. I would just merely suggest that this does indeed—

Mr. Ruston: We know.

Mr. Conway: We are voting against you, Floyd.

Mr. Laughren: Oh, argumentum ad hominum, you shouldn't do that.

Mr. Bullbrook: Criticize my leadership.

Mr. Laughren: That does indeed follow the establishment of mandatory health and safety committees, following it up with mandatory health and safety representatives on the job, which we think should be in tandem with committees.

Hon. B. Stephenson: The principle I think has been established that the minister should have the responsibility, for at least the period of the interim bill, of appointing safety representatives. I would wholeheartedly agree with you that they should be called "health and safety representatives" rather than simply "safety representatives" and I'm perfectly willing to accept that part of the amendment.

I think it would be inappropriate however, at this time, with the philosophy that has been established under section 4, to insist that for every employer of 10 or more employees that safety representatives be appointed by the ministry. I think the need for appointment is one thing which should be considered, the size of the establishment is another and I think that some rational and logical basis upon which the employee should be appointed is one which should be exercised by the minister upon the advice of the occupational health and safety authority within the ministry.

Mr. Chairman: All those in favour of Mr. Laughren's amendment to the amendment will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

I declare the motion defeated.

We'll now deal with the minister's amendment to 5(1). Any discussion?

Mr. Haggerty: I hope the minister in her amendment is going to include the word "health." That's going to be in your amendment?

[9:30]

Hon. B. Stephenson: Right.

Mr. Haggerty: Is the chairman aware of that—that the words are "safety and health"?

Hon. B. Stephenson: Right. I indicated, Mr. Chairman, that I would most certainly agree to the inclusion of the word "health"—

Mr. Haggerty: Where?

Hon. B. Stephenson: Preceding "safety"—health and safety representatives. Since under the definitions the individual is called a health and safety representative, it would be logical to make that change in the text of the bill.

Mr. Chairman: So that the third last word in the amendment will be "health"?

Hon. B. Stephenson: "Health and safety" —and also in the second line.

Mr. Chairman: In the second line as well?

Hon. B. Stephenson: Yes.

Mr. Chairman: Is everybody familiar with those changes to the minister's amendment? Shall the amendment carry?

Motion agreed to.

Mr. Chairman: Hon. B. Stephenson moves that section 5 of the bill be amended by adding thereto the following subsection:

"(3)(a) A health and safety representative has power to identify situations that may be a source of danger or hazard to employees and to make recommendations or report his findings to the employer, employees, a trade union or unions representing employees and a joint health and safety committee, if any, for the improvement of the health and safety of workers."

Mr. Laughren: Mr. Chairman, I accept your direction here but it seems to me the amendment I would like to place would replace the minister's amendment. I assume I have to word it in such a way that it amends the minister's amendment. Is that correct?

Mr. Chairman: Yes. Mr. Laughren moves:

(3) The duties of the health and safety representatives shall include (a) the regular inspection and monitoring of the work place and reporting of its findings to the committee; (b) the identification, investigation and reporting to the committee of any employee complaint of any health or safety hazard in the work place; (c) the advising of the committee of any steps to be taken to reduce or remove any existing hazardous condition affecting the employee, and (d) the investigation of every accident at the work place that causes serious injury or death to a person therein or thereat, the reporting of its findings to the committee, and the full participation at an inquest into any accident that the health and safety representative has investigated.

Is there any discussion on Mr. Laughren's amendment to the amendment? Shall the amendment carry?

All those in favour of Mr. Laughren's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

I declare the amendment to the amendment lost.

We are now ready for the amendment as proposed by Hon. B. Stephenson.

Shall the amendment carry?

Motion agreed to.

Mr. Haggerty: I think in section 5 and 2 of the bill, where you have "safety representatives," the intent is to carry "health and safety" wherever it's within that—

Hon. B. Stephenson: Right.

Mr. Chairman: That's what was read.

Mr. Haggerty: Not in section 2, sir.

Hon. B. Stephenson: Not in section 2.

Mr. Chairman: That's what was read.

Mr. Nixon: Mr. Chairman, I guess it's a small point but unless something is done about it, section 3 is going to begin "A safety representative may inspect," et cetera.

Mr. Chairman: No, the hon. minister has improvised—

Mr. Nixon: Then subsection 3(a) is presented to us, which refers to a health and safety representative. Somebody, and it's probably the minister, is going to have to have a motion cleaning that up a little bit.

Hon. B. Stephenson: I apologize. I suggested that that should be done editorially throughout the bill, since the definition on the first page was of a health and safety representative, and that it would be appropriate to change that name all the way through the bill.

Mr. Davidson: No, you have to put the continuity into it.

Hon. B. Stephenson: I'm sorry, I didn't hear the suggestion of the hon. member, but if it's necessary to move that that appropriate change be made, I shall do that at this point.

Mr. Chairman: It can be done editorially.

Shall the minister's amendment carry?

Motion agreed to.

Mr. Laughren: On section 5(4), the only change in the amendment was the word "health." In view of the fact that the minister has editorialized "health" into the remaining sections of the bill when dealing with safety, we would accept that.

Mr. Chairman: Is that agreed by the committee and understood by the legislative draftsmen?

Agreed.

Mr. Chairman: Any further comments or amendments to section 5 of the bill?

Mr. Laughren: Yes. The numbering has become a bit horrendous at this point, Mr. Chairman, as I'm sure you know. I have a subsection 5 here which indicates "It is the duty of the employer and employees to afford the health and safety representatives such information and assistance as may be required for the purpose of carrying out his duties as set out in subsection 3."

The last amendment which I was going to put is not necessary because of the word "health" being in there already.

Hon. B. Stephenson: That duty of the employer and the employee is implicit in section 5(3) as the bill is presently written.

Mr. Chairman: So you won't put your amendment to section 5(5)?

Mr. Laughren: No, I will not put those amendments, in view of the fact that they are implicit in the other sections.

Mr. Chairman: Shall section 5 of the bill carry?

Section 5, as amended, agreed to.

On section 6:

Mr. Chairman: Hon. B. Stephenson moves that section 6(1) of the bill be struck out and the following substituted therefor:

"(1) Where an inspector exercises the powers conferred upon him under section 8(1)(a) of The Industrial Safety Act, 1971 or section 6(1)(a) of The Construction Safety Act, 1973, or an engineer exercises the powers conferred upon him under section 618(1)(b) of The Mining Act, the employer shall afford to a health and safety representative, if any, an employee authorized by a trade union or trade unions, if any, to represent it or them and, where there is no trade union, an employee authorized by the employees to represent them, the opportunity to accompany the inspector or engineer during his physical inspection of a work place or any part or parts thereof."

Motion agreed to.

Section 6, as amended, agreed to.

On section 7:

Mr. Chairman: We are dealing with section 7 of the bill now.

Mr. Laughren: I move that the present section 7—

Mr. Bullbrook: You are wilting under the pressure.

Mr. Laughren: No, not at all. I move that section 7 be renumbered and the following substituted therefor:

"Where an inspector gives a direction in writing under section 10 of The Industrial Safety Act, 1971, or an order in writing under section 11 of The Construction Safety

Act, 1973, or an engineer gives a notice in writing under clause (a) of subsection 1 of section 16 of The Mining Act, or an inspector or engineer issues a report of his inspection to an employer, the employer shall forthwith cause a copy or copies thereof to be posted in a conspicuous place or places where it is most likely to come to the attention of the employee, and shall furnish a copy of this direction, order, notice or report to the health and safety representative and the committee, if any, and the inspector or engineer shall cause a copy thereof to be furnished to a person who has complained of a contravention of The Industrial Safety Act, 1971, The Construction Safety Act, 1973, or part IX of The Mining Act or any regulations thereunder."

Mr. Chairman: We are dealing with section 7 of the bill. That deals with section 8 of the bill.

Hon. B. Stephenson: It is renumbered.

Mr. Chairman: We are dealing with section 7 of the bill.

Hon. Mr. Auld: I think the change was adjusted by definition.

Mr. Nixon: Floyd, did you change it to "health and safety"?

Mr. Laughren: Mr. Chairman, it has been drawn to my attention—I believe it is correct—that if the words "health and" are put in with "safety," that will be sufficient.

Mr. Bullbrook: May I have your understanding, Mr. Chairman? Am I correct that we have all agreed that where the word "safety" is mentioned, the words "health and" antecede it. Is that correct?

Mr. Chairman: Yes. So far as the Chair can be absolutely certain of the amendment just moved by the member for Nickel Belt, may I have a copy of his amendment?

Mr. Laughren: Yes, I'm sorry. I thought you had them.

Hon. B. Stephenson: You haven't one exactly the same.

Mr. Bullbrook: The copy I have isn't the same, either.

Hon. B. Stephenson: Mr. Chairman, the amendment moved by the member for Nickel Belt is exactly the same as the present section 7 except for the addition of the words "health and" before "safety representative," and this we have already agreed to.

Mr. Nixon: No problem.

Mr. Chairman: Shall section 7 of the bill be carried as amended?

Hon. B. Stephenson: It is not amended.

Mr. Bullbrook: On a point of order. So we understand, if it is carried as amended, it carries in conformity with what was read by the member, and not what the chairman has in front of him. I think I have what the chairman has in front of him, and it's not what the member read.

Mr. Chairman: That's right.

Mr. Bullbrook: Okay. Good.

Mr. Reid: That's why he asked for a copy of the statement.

Hon. B. Stephenson: Can't we just correct this?

Mr. Chairman: Just so there can be no misunderstanding, I am going to read what is before me:

Mr. Laughren moves that the bill be amended by adding after section 7 the following sections:

"8. Every employer shall notify in writing every employee who works in work places . . . "

Mr. Laughren: On a point of order, Mr. Chairman. That is the next amendment to be before us.

Mr. Chairman: That's what you just handed me.

Mr. Laughren: I'm sorry. I thought that's what you asked for.

Mr. Bullbrook: It is really getting complicated.

Mr. Nixon: We need an inspector.

Mr. Chairman: Will you give me a copy of the amendment you just placed before the committee, please?

Mr. Reid: Better add "health, safety and sanity."

Mr. Chairman: It is almost an unsafe place to be chairman.

Mr. Reid: It is an insane place to be chairman.

Mr. Bullbrook: You know who the bad employer is, eh?

[9:45]

Mr. Chairman: Mr. Laughren moves that the present section 7 of the bill, renumbered as section 8, be struck out and the following substituted therefor:

"Where an inspector gives a direction in writing under section 10 of The Industrial Safety Act, 1971, or an order in writing under section 11 of The Construction Safety Act, 1973, or an engineer gives a notice in writing under clause (a) of subsection 1 of section 618 of The Mining Act, or an inspector or engineer issues a report of his inspection to an employer, the employer shall forthwith cause a copy or copies thereof to be posted in a conspicuous place or places where it is most likely to come to the attention of the employees and shall furnish a copy of such direction, order, notice or report to the health and safety representative and the committee, if any, and the inspector or engineer shall cause a copy thereof to be furnished to a person who has complained of a contravention of The Industrial Safety Act, 1971, The Construction Safety Act, 1973, or part IX of The Mining Act or any regulations thereunder."

Mr. Kerrio: Mr. Chairman, I think that you read that the way it's supposed to read, but it still should read "section 7" and not "section 8."

Mr. Chairman: The numbering will be picked up by the editors.

Mr. Haggerty: The only change made there is "health."

Hon. B. Stephenson: Mr. Chairman, if I may, the section you have just read is exactly the same as section 7 in the present Act, the only difference being the addition of the words "health and" before "safety representative." Otherwise, it is precisely the same as the present section 7.

Mr. Ruston: We don't need the amendment.

Mr. Bullbrook: Mr. Chairman, you've been most indulgent with us, but since we have an almost universal understanding of health and safety we're certainly not going to be burdened, as much as we admire our colleagues, by continually amending things purely to put in the word "health and."

Mr. Haggerty: It is in the preamble.

Mr. Chairman: I appreciate those comments but because of the renumbering section 6 there was confusion as to what section of the bill we should have been dealing with. That's why I wanted to be satisfied in my own mind as to the section we were dealing with.

Section 7, as amended, agreed to.

On section 8:

Mr. Chairman: Hon. B. Stephenson moves that subsection 1 of section 8 of the bill be amended by inserting after the word "cases" in the sixth line the phrase "that required medical aid."

Hon. B. Stephenson: This is simply to clarify the delineation of information which must be supplied by the Workmen's Compensation Board. If we simply said "cases" it would be impossible to provide that information because the board does not know about all the cases, it knows only about those that require medical aid.

Mr. Chairman: Mr. Laughren moves an amendment to the amendment that the present section 8 of the bill be struck out and the following substituted therefor:

"The Workmen's Compensation Board upon the request of an employee, a committee, or a trade union shall send to the employee, committee or trade union and the appropriate employer an annual summary of data relating to his employer in respect of the number of work accident fatalities, the number of lost workday cases, the number of lost workdays, the number of non-fatal cases without lost workdays, the number of occupational illnesses, the number of occupational injuries and such other data as the board may consider necessary or advisable."

We will deal first with the amendment to the amendment proposed by Mr. Laughren.

Mr. Bullbrook: I want to speak to it, if I might. Do you have that copy? Because I don't.

Hon. B. Stephenson: Yes.

Mr. Bullbrook: I've been able to follow, I think with some degree of alacrity, what has happened. But perhaps our colleague could just tell us the wordings that have changed because I don't have a copy of it.

Mr. Laughren: Mr. Chairman, I think the section that the member for Sarnia was talking about was numbered section 11. Am I correct? The amendment that the member for Sarnia has? We are saying that in this section it's an obligation on the part of an employer to notify all employees when there is a dangerous work place. What triggered this in our minds was the asbestos mills in the province where you might very well have

a case that the place would be dangerous and that the employees should be notified just what the danger was.

Hon. B. Stephenson: If I may, this is the wrong section.

Mr. Nixon: Mr. Chairman, there certainly could be some confusion in the mind of a layman examining this. The hon. member is saying the import of his amendment would be to inform the workmen of a dangerous situation. But as nearly as I can tell from following his amendment, it really just means the Workmen's Compensation Board, upon request of the employee or trade union or the committee—and he just inserts the word "committee." I can't see any objection to that but I don't think it does what the hon. member explained that he thought it did.

Mr. Laughren: The member for Brant-Oxford-Norfolk is quite right. The purpose of the change was to ensure that the committees were informed of the information.

Mr. Nixon: Nothing wrong with that, surely.

Hon. B. Stephenson: The purpose of the amendment suggested by the hon. member for Nickel Belt is included in section 8(2): "It is required of the employer that upon receipt of the information provided by the Workmen's Compensation Board, it shall be transmitted to the committee, if any, and to the trade union or trade unions representing the employee . . . and to the employee." So I can see no purpose at all in the amendment which was suggested by the hon. member.

Mr. Bullbrook: Floyd, I'd fire Ted if I were you because it's a downhill course.

Mr. Haggerty: I'm rather confused about this particular section. My main concern in any accident or work injury is that there is a record kept that the employee has access to. What I'm trying to say to the minister is that in a number of cases I'm aware of the work accident record that is kept by many companies disappears. I think they wipe them clean after a period—maybe after seven years or something. In many cases there may be a recurrence of that accident or disability, and when you come back to the industry and the Workmen's Compensation Board there's no record.

Sometimes it's not reported to the Workmen's Compensation Board. It's reported to the company's safety committee or the safety programme that they have—to their particular first aid attendant. He keeps a record there. Sometimes that record is wiped off. I think that some place along the line we must have all records of injuries available to that employee—perhaps to an employee, an employer and the Workmen's Compensation Board. I think you should be watching this particular section to ensure that we do have a complete record of all accidents or occupational health.

I can quote you an instance in the International Nickel Company in Port Colborne where there are different opinions about the working environment. I think it was in the Globe and Mail not too long ago where you have two criteria set—one for the mining part and one for the smelter part—that you can relate to the sintering operations at Inco.

But I think there isn't enough of a work log kept for an employee. Take somebody in maintenance work who travels throughout different parts of the plant. Sometimes he gets into places where there are toxic agents or gases. They say, "Your work environment is the shop." But he works in the shop and he's out in all this area where the potential hazard is. I think some place along there we should have a complete work record of that person employed in industry.

Hon. B. Stephenson: There is nothing within this Act to preclude the health and safety committee or the health and safety representative or the employer or the employees from keeping such a record. This section deals specifically with the responsibility of the Workmen's Compensation Board itself to provide such records as it keeps through the employer to the employees to the health and safety committee or to the trade union in order to ensure that they are given all of the information which the Workmen's Compensation Board has.

Mr. B. Newman: The minister moved an amendment at the end of line six which reads, "after non-fatal cases that require medical aid without lost workdays." Am I correct? There is an amendment on the floor then?

Mr. Chairman: We have an amendment to the amendment to section 8(1) moved by Mr. Laughren.

All those in favour of the amendment to the amendment will please say "aye."

All those opposed will say "nay."

In my opinion, the nays have it.

I declare the motion defeated.

All those in favour of the minister's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

I declare the motion carried.

Section 8, as amended, agreed to.

On section 9:

Mr. Chairman: Hon. B. Stephenson moves that section 9(2) of the bill be struck out and the following substituted therefor:

"Where an employee complains that an employer has contravened subsection 1, the employee may either have the same dealt with by final and binding settlement by arbitration under a collective agreement, if any, or file a complaint with the Ontario Labour Relations Board, in which case any regulations governing the practice and procedure of the board apply mutatis mutandis to the complaint."

Motion agreed to.

Section 9, as amended, agreed to.

On section 10:

Mr. Chairman: Hon. B. Stephenson moves that section 10 of the bill be amended by striking out "contravenes section 9(1)" in the third line and inserting in lieu thereof, "fails to comply with a provision of this act."

Motion agreed to.

Mr. Chairman: Mr. Laughren moves that the present section 10 of the bill be replaced as amended and the following substituted therefor:

"Every employer who

"(a) fails to comply with an order made under section 4(1) or 5(1) or

"(b) fails to comply with section 9 or

"(c) fails to provide any assistance or information it is his duty to provide or

"(d) contravenes section 12(1) is guilty of an offence and on summary conviction is liable on a first offence to a fine of not less than $1,000 and not more than $10,000 or to imprisonment for a term of not more than 12 months or to both and on a second or subsequent offence is liable to imprisonment for a term of not more than two years."

[10:00]

Mr. Bullbrook: I want to speak to that, if I may. I can't support either the lettered subsections because my understanding is that the minister's all-embracing amendment would cover that. Frankly, I have never been and I hope never to be, an advocate of minimum sentences. It has been my limited experience that there are circumstances where a court must have discretion; there can be very technical defalcation on the part of individuals without serious intent, without malice, without bad faith. If you don't give a court the ability to assess all circumstances and impose in their judgement the proper penalties, then you make a great mistake. I would not support a minimum. Certainly the maximum is adequate for the latitude of the judge.

Mr. Laughren: If I might speak briefly to that, the purpose of the amendment is to indicate we are indeed very serious about the whole question of occupational health in the province of Ontario. I don't really quibble with the concern of the member for Sarnia regarding the minimum fine. We are merely saying to the employers in the province of Ontario, we attach a great deal of importance to this Act and any contraventions to it will be dealt with in a serious manner.

Mr. Bullbrook: I appreciate that, and I don't want unduly to elasticize the discussion, but may I say to you that if a maximum fine of $10,000 doesn't convey the seriousness of this Legislature, I don't know what would.

Mr. Chairman: All those in favour of Mr. Laughren's amendment will please "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

I declare the motion defeated.

Section 10, as amended, agreed to.

Sections 11 and 12 agreed to.

On section 13:

Hon. B. Stephenson: Mr. Chairman, just one very minor omission was made here. In section 13 the word after "industrial" should be "chest," to read, "industrial chest diseases."

Mr. Chairman: Hon. B. Stephenson moves that section 13 of the bill be amended by inserting after "industrial" in the fifth line "chest."

Motion agreed to.

Section 13, as amended, agreed to.

Bill 139, as amended, reported.

[Applause.]

Mr. Bullbrook: Well done, Mr. Chairman.

An hon. member: The peoples' coalition.

FARM INCOME STABILIZATION ACT

House in committee on Bill 131, An Act respecting Farm Income Stabilization.

Mr. Chairman: Are there any comments, questions or amendments to any section of Bill 131? If so, what section?

Shall the bill be reported?

Mr. Makarchuk: Just a minute, Mr. Chairman. There was a House leaders' conference and the decision was that we would not proceed with the farm bill until tomorrow at 3 o'clock.

Some hon. members: Oh, oh.

Mr. Makarchuk: That was the agreement among all the House leaders.

Hon. W. Newman: Mr. Chairman, that was my understanding, but I was told to be on standby tonight in case the other bill was finished in time for us to proceed.

Mr. Laughren: We are glad you are here.

Hon. W. Newman: I've been here all evening.

Mr. Breithaupt: Mr. Chairman, I would confirm that it was our expectation that the bill that has just been dealt with by the House, Bill 139, would likely take this evening and that a vote in committee, if required, was going to take place about 10:15 this evening. My understanding is the Minister of Agriculture and Food has commitments and was planning to be in Ottawa tomorrow evening. We had understood that immediately after the question period tomorrow we would proceed with Bill 131 to convenience the minister. I would think that since the various critics who might be interested in this bill were not expecting that it would be called this evening, it perhaps would be best if we could have the committee agree to rise and report and then Bill 131 would proceed as has been anticipated first thing tomorrow after the question period.

On motion by Hon. W. Newman the committee of the whole House reported one bill with certain amendments.

Report agreed to.

THIRD READING

The following bill was given third reading on motion:

Bill 139, An Act respecting Employees' Health and Safety.

On motion by Hon. W. Newman, the House adjourned at 10:10 p.m.

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Bounsall, E. J. (Windsor-Sandwich NDP)
Breithaupt, J. R. (Kitchener L)
Bullbrook, J. E. (Sarnia L)
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Conway, S. (Renfrew North L)
Davidson, M. (Cambridge NDP)
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Henderson, Hon. L. C.; Minister without Portfolio (Lambton PC)
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No. 138



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Third Session of the 30th Parliament

Tuesday, December 14, 1976

Afternoon Session

Speaker: Honourable Russell Daniel Rowe
Clerk: Roderick Lewis, QC

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LEGISLATURE OF ONTARIO

TUESDAY, DECEMBER 14, 1976

The House met at 2 p.m.

Prayers.

Mr. Speaker: Statements by the ministry.

ARTICULATED BUSES

Hon. Mr. Snow: Mr. Speaker, I wish to announce today that my ministry proposes to demonstrate the use of articulated buses on the more heavily travelled public transit routes in four Ontario cities. The object is to assist municipalities in economically providing additional transit capacity.

Mr. S. Smith: We need an articulate minister.

Mrs. Campbell: What is an articulate bus?

Hon. Mr. Snow: While articulated buses are new to North America they are fairly common in Europe and have been used there for many years.

Mr. Kerrio: We have Greyhound buses here.

Hon. Mr. Snow: Such buses, measuring 60 feet in length, are 50 per cent longer than a standard North American bus and carry approximately 50 per cent more passengers.

Mr. Singer: Are they going to be able to articulate in French and English?

Hon. Mr. Snow: The added length, however, does not impede the movement of the buses. Manoeuvrability is equal to that of a standard bus because of a flexible hinge-and-bellows mid-section which permits the bus to bend in the middle when driving around corners.

Mr. S. Smith: That's something like the minister.

Hon. Mr. Snow: In fact, this centre section looks like an accordion.

Hon. B. Stephenson: You guys should go to China. They have those in China.

Hon. Mr. Snow: This accordion or bellows also permits passengers to move freely from one part of the vehicle to the other.

Mr. Singer: Beats Krauss-Maffei any time.

Interjections.

Mr. Speaker: Order, please. We'll get on with the statements.

Hon. Mr. Snow: Preliminary discussions have already been held with transit operators in Hamilton, Mississauga, Ottawa and Toronto to determine if they were interested in demonstrating articulated buses on one or more of their rush-hour routes. I can report that the response has been good and ministry staff and the municipalities mentioned will be working together to draw up vehicle specifications and testing details.

It is anticipated that up to 40 of these articulated buses will be required for testing and tenders should be called for them in mid-1977. While at present such buses are not manufactured in Canada, it is possible to purchase them directly from several European and US manufacturers. However, I am most hopeful that when the tenders are called, Ontario transit manufacturers will respond by bidding.

The actual implementation date of the demonstration will depend on the receipt of an acceptable tender price. Currently, the earliest expected delivery date is the spring of 1978. The demonstration would then be carried out over the following three years. Because the municipalities would be purchasing fewer standard buses the year the articulated buses are delivered, it is estimated the net capital cost of the project will be $3.3 million.

Furthermore, if the Ontario demonstration proves that articulated buses can be operated as cheaply as European experience suggests, it is estimated a saving of approximately $4 million annually could be achieved when the new buses are operating on all potential routes in the province.

The Toronto Area Transit Operating Authority—TATOA—is also interested in articulated buses on selected GO Transit routes. They could be particularly suitable as feeders to commuter GO trains on the Lakeshore line. Current passenger volume makes it necessary for GO to use two buses—one to

carry overflow only—to drop off passengers for some trains. It is expected that compatible specifications can be developed to meet both municipal and TATOA needs so both requirements can be met through a single tender.

Since the articulated vehicle concept is also applicable to streetcars—as is the practice in some European cities—the Toronto Transit Commission will also be testing two articulated light rail vehicles now being developed by the Urban Transportation Development Corporation. This, of course, will be in addition to the previously announced demonstration of standard-length light rail vehicles by the TTC.

COMMUNITY MENTAL HEALTH GRANTS

Hon. F. S. Miller: Mr. Speaker, the Ministry of Health advocates the treatment of the mentally ill in their own community, reserving hospitalization for cases where no other treatment method is possible. As a result, there has been a substantial reduction in the number of psychiatric patients in Ontario hospitals during the past 10 years. However, the patients have not disappeared and there has been a growing need to provide them with appropriate treatment in the community.

I can now give some specific information of the steps taken to do this. Grants totalling $282,407 have already been awarded to 25 community-based programmes to cover their costs for the balance of the present fiscal year. Two are short-term studies scheduled to be completed within that period and a third will receive limited funding in the following year. The remainder will carry on and will be supported for the two succeeding fiscal years by grants to a total of $693,967 annually.

The effectiveness of the different programmes will be studied over this period to give a measure of their progress and, if they meet with the hoped for success, to provide an indication of the amount of financial support needed in following years.

The movement to replace institutional care with community-based treatment for a large proportion of patients with mental ailments reflects the development that present-day psychiatry has found to be the most effective and beneficial. Naturally enough, the fact that it also proves to be, in total, less costly is welcome but economy by itself would obviously not have been sufficient.

The primary justification for these newer forms of treatment which, over the past 10 years, have led to a net reduction of more than 8,000 in the number of such patients in hospital at any one time, is the improved therapy that has resulted. Today, long-term institutional care for mentally ill patients is universally regarded as the treatment indicated only when no other is appropriate.

Community-based programmes require adequate support services, such as vocational and recreational activities; after-care and medication maintenance services, and a sufficient range of residential accommodation since some patients will still need sheltered or supervised settings. The provision of the appropriate support services has, in consequence, been a criterion applied to the evaluation of the programmes submitted for approval. Other criteria applied included a clear identification for the need for each specific programme and the objectives it is intended to accomplish, identification of the population it aimed to serve, and the methods planned to evaluate its effectiveness.

Submissions were received from Canadian Mental Health Association branches, general hospitals, community psychiatric hospitals, health units, the Salvation Army, community colleges and professional associations across the province. I should mention that all the submissions for the projects covered by the present grants were also submitted to and approved by the district health council or the local health planning body for the community concerned, and I want to commend the initiative they have all shown.

In conclusion, I should mention that about another 50 such community health project proposals are still in the course of examination. A number of these will probably have received approval before the end of 1976.

Mr. Speaker: Oral questions.

BRUCE SAFETY REPORT

Mr. Lewis: Mr. Speaker, a question for the Minister of Energy, if I may: Can the Minister of Energy make some definitive statement to the House to attempt to deal with the fears and anxieties developing around the question of Bruce generating station? Are the allegations of Energy Probe in fact valid, that there may be a serious safety hazard incipient in that reactor, and are the questions raised about the inherent difference of opinion over safety procedures between the AECB and Ontario Hydro valid?

Hon. Mr. Timbrell: Mr. Speaker, I think perhaps the best way I can answer that question is to read to the member a portion of a letter I sent to the hon. member for Halton-Burlington in the last couple of weeks, which deals with the same question. It was raised during estimates and, if I may, I will read an extract from that letter:

"It is standard procedure for the AECB to issue permission to proceed to full power in stages. The AECB must be assured that at each stage commissioning is proceeding satisfactorily and unforeseen problems that may arise during commissioning are resolved to their satisfaction prior to further increases in power.

"As a part of the licensing procedure for a nuclear generating station, detailed accident analyses are performed. This involves postulating severe failures in the nuclear process systems and ensuring that the consequences are within the reference dose limits established by the Atomic Energy Control Board for accident conditions. These analyses have been carried out for Bruce generating station A and submitted to the Atomic Energy Control Board. The analyses indicate that the reference dose limits are met. AECB staff have reviewed these analyses and in some cases have requested further information. The review of these submissions and the resolution of details in the analysis either by supplying still further information or by minor design modifications is a time-consuming activity."

The staff at Bruce expect to be at 50 per cent power very shortly, either today or tomorrow. The next step will be to increase output to about 70 per cent of full power. Ontario Hydro has made submissions to the AECB in support of its application to go to full power and anticipates that this will be granted.

I might add further that there is an indication in the release from Energy Probe this morning that would lead one to believe there had not been any co-operation in the exchange of information. In point of fact, a representative of Energy Probe spent 3½ hours at Ontario Hydro yesterday, going over the Bruce reactor safety report and, in fact, he was given a copy of that report and it is now in their possession.

Mr. Lewis: By way of supplementary, if I may, if all that is valid, why are the questions being raised publicly about the cooling system, and why are the minister and Ontario Hydro not willing to table the Bruce safety reactor notes—not the safety report, but the notes—which chronicle the exchange of correspondence between Ontario Hydro and the AECB and AECL? Why are those matters not being made public?

Mr. S. Smith: I asked for that the other day.

Hon. Mr. Timbrell: No, you didn't. You asked for the safety report.

Mr. Lewis: You asked for the safety report.

Mr. S. Smith: No, I didn't. I asked for the background papers to the report.

Mr. Speaker: Order, please.

Hon. Mr. Timbrell: I indicated to the hon. member, I think yesterday or earlier, that an answer is being prepared and, in fact, I should have it tomorrow for the hon. member for Hamilton West. But the safety reports on the various reactors are updated from time to time. It is not as though a report is done and then left; they are updated every six months, nine months, whatever. They are the results of the safety notes.

[2:15]

As I understand it, the concern—not just at Hydro but also at AECL—is that the notes contain a great deal of proprietary information about the actual system. So there is a concern about the commercial value of those notes.

The second thing is the concern about security inasmuch as the notes do contain a great deal of information about the operation of the stations, and if allowed to fall into the wrong hands, there could be a problem. If the hon. member opposite, or any member for that matter, would like a session with the staff of Hydro to go over the safety reports and to become better acquainted with the contents and the details, I would be quite happy to set that up.

Mr. S. Smith: By way of supplementary, can the minister explain why it is that there is still a difference of opinion between the Atomic Energy Control Board and Hydro, as confirmed to us today by Mr. J. W. Beare, the chief of the reactor and accelerator division of the AECB, who has informed us that the reason the Bruce plant has been licensed to operate at only 50 per cent of capacity is because of "still unresolved safety-related issues"? There is clearly a difference between AECB and Hydro on this matter.

Hon. Mr. Timbrell: If the hon. member would check with his colleague from Halton-Burlington, he will know that we did exchange comments a bit earlier in the estimates committee; I did write to him, and I

just read a portion of that letter. When they start up a station, it is not the practice to go immediately to 100 per cent power. It is the practice, whether it is a nuclear-fired station or a thermal-fired station to start out in stages and gradually get up to 100 per cent of capacity.

Mr. Sargent: It's up to 10 per cent.

Hon. Mr. Timbrell: As the hon. member should know, through his friend from Halton-Burlington, after the station first went critical, there were some problems intially with some vibrations—not in the nuclear portion of the station but in the conventional portion—and these have been worked on. I assume that is what Mr. Beare is referring to.

Ms. Gigantes: Supplementary: Is the minister aware of a change in the safety design specifications of the Atomic Energy Control Board around 1972, which would make the independence of the two fast-shutdown processes within the reactor necessary? In other words, there are two fast-shutdown processes now, but they are not independent. Is he aware that this is the area of contention between the AECB and Hydro and the AECL?

Hon. Mr. Timbrell: No, I am not aware that is the area of contention, as the member says. I do know that the Atomic Energy Control Board quite properly does regularly update its requirements, both for the design and the operation of nuclear stations; Hydro does, of course, have to meet the requirements. All of this, of course, has to be jelled with the actual staging of the construction of the plants and bringing them into service.

Mr. Speaker: A final supplementary.

Mr. Reed: Supplementary: Does the minister not remember that during the estimates the question was brought up about inherent safety in the design of the reactor, and does he not recall that my question to him centred on that aspect? Today, with the press release that came out, there seemed to be some further statement regarding inherent design in the reactor. We realize there was some other thing regarding some vibration in some pipes, but does he not remember that I asked him specifically about that particular aspect of that reactor design?

Hon. Mr. Timbrell: The term used in the press release is "a generic design problem." I think the hon. member may even have used that term in estimates committee. I am not aware that, in fact, it is a question of a generic design problem. There has been no indication of that to me.

NUCLEAR GENERATING STATIONS

Mr. Lewis: I have a separate but related question. Might it be a different kind of generic problem? Might the minister examine what is happening at Bruce and what has happened recently at Nanticoke as an example of the problems we are inheriting from Hydro's massive growth preoccupation, the business of building these massive generating stations with very large reactors so that when one or the other of them is in difficulty, however marginal, the public suffers? Is it not possible for the minister to go before the Porter commission and ask that that staging be re-evaluated, that their whole approach be re-evaluated to size?

Hon. Mr. Timbrell: I think the hon. member assumes a couple of things which perhaps need some correction. First of all, the operation of a system does not necessarily depend on the size of the generating station. What it depends upon is the design of the grid so that if any one station or series of stations goes out, power can be wheeled through the province or from other sources outside the province to keep those areas in supply.

The second thing is that the design of the stations where the size is involved has been based mainly on economics—economics of construction and economics of operation.

Mr. Lewis: But not economics of utility.

Hon. Mr. Timbrell: Let's just take the Nanticoke example. If instead of being the six units formerly in operation, Nanticoke had been six different stations—

Mr. Lewis: Smaller units.

Hon. Mr. Timbrell: —the fact of the matter is that the problem first showed up on one unit and the other three were shut down because of the problem on the first one. Being of the same design, whether they are in the same hall or in six different generating stations, the same corrective action would have been taken.

Mr. Lewis: No, they are too big.

Mr. Kerrio: Supplementary.

Mr. Speaker: All right. We've spent now something over 10 minutes on this similar topic.

Mr. Kerrio: I'll be as brief as possible. I would then question the minister, in view of the fact that we've had unlimited funds for the past development of Hydro to this state,

why are we so marginal in our ability to maintain power to those areas that I was very concerned about?

Mr. Lewis: The big units break down.

Interjections.

Mr. Speaker: Order, please.

Hon. Mr. Timbrell: It is interesting to watch the parties opposite try to squirm their way around this issue and be on all sides of it at all times.

Mr. Moffatt: You should see the squirming from this side.

Mr. Breithaupt: We are watching you.

Mr. Nixon: You are the king of brownouts.

Mr. Speaker: Order, please.

Mr. Conway: You people leave enough slime for all of us.

Mr. Speaker: Order. Will the hon. minister answer the question?

Hon. Mr. Timbrell: The hon. member very well knows that the combination of the low-water levels in the north, over which we have no control, the difficulties at Nanticoke with the hangers supporting the generating units and the exceedingly high demand brought on by the very cold weather has caused this problem. He also knows that this problem is being experienced in the province of Quebec and in the province of Manitoba. Just to illustrate the problem in Manitoba, we normally buy 250 megawatts of power from Manitoba.

Mr. Ruston: Put the Windsor plant back on.

Mr. Kerrio: Fifty per cent increases.

Hon. Mr. Timbrell: Not only has that been cut off but we are now selling them 130 megawatts to help them out. The same probably is true in the States.

Mr. Roy: Supplementary.

Mr. Speaker: No, that was the final supplementary on that topic. You will have an opportunty for further questions.

Mr. Roy: That's my problem. I don't think I will.

Mr. Speaker: If we don't waste too much time, we will.

Mr. Moffatt: Speak to your leader.

DELLCREST CHILDREN'S CENTRE

Mr. Lewis: I have a question of the Minister of Health. Is it true that the Dellcrest Children's Centre has made overtures to the Ministry of Health, requesting that all or portions of Thistletown be rendered unto his hands, and that the mental health work done at Thistletown with children be somehow reapportioned or redirected so that other centres are involved?

Hon. F. S. Miller: Listening carefully to to the phraseology of the question, I'm not sure they have approached us but most certainly the question has been considered about their looking after all the phases of Thistletown.

Mr. Lewis: My question was tentative because I simply didn't know. I'm fascinated to take it further by way of supplementary. Is the minister then considering with a treatment centre like Dellcrest the possibility of giving it jurisdiction over part, if not all, of the Thistletown programme?

Hon. F. S. Miller: For over three years—in fact, since before I became minister—it's been stated policy of the ministry that we should wherever possible turn some of our direct operations over to local boards. I think we're doing that with the Kingston children's mental health facilities at the moment. We have been looking for a year at possible ways of doing that with several facilities, including this particular one.

COKE OVEN EMISSIONS

Mr. Lewis: I have a question of the Minister of Labour. Has the second study on the emission levels at the coke ovens in the major steel plants been completed, as it was intended to be in November, and, if so, has the minister the results?

Hon. B. Stephenson: No, Mr. Speaker, I am not sure that it has been completed as yet because I do not have the results at this time.

Mr. Lewis: Could the minister find out for us?

Hon. B. Stephenson: Yes.

CHILDREN IN TRAINING SCHOOLS

Mr. Lewis: Last question to the Provincial Secretary for Social Development: Is she moving on section 9 of The Training Schools Act as she has moved on section 8?

Hon. Mrs. Birch: Through you, Mr. Speaker, to the hon. Leader of the NDP, no, my mandate is exclusively on section 8.

INFORMATION ON OHIP PAYMENTS

Mr. S. Smith: A question of the Minister of Health: Could the minister tell us with regard to the OMA fee matter—the OHIP payments at present in dispute—since he must worry that the courts might uphold the OMA or, failing that, there might be an appeal and the House would no longer be in session, if we can expect the government to act in the next few days by amendment to empower the Provincial Auditor to review the OHIP records so that he could report to this House on the pertinent information this House desires? Would he act by amendment, by bringing one in now, so as to preclude the possibility of lengthy court delays?

Hon. F. S. Miller: Mr. Speaker, as I understand the problem, and I am not sure my legal interpretations are accurate—

Mr. Peterson: You must have been listening to the Attorney General.

Hon. F. S. Miller: —the issue is not so much should my Act be amended, as what information may this Legislature demand of ministries when specific statutes protect information with confidentiality clauses? I have no idea whether section 44 of The Health Insurance Act is the only section in those statutes but I assume it is not. I agree with the Attorney General's comment the other day. I am very anxious to comply with the wishes of this Legislature. I sincerely hope that tomorrow the finding is that the Speaker's warrant was properly issued, and I will hasten to comply with it the moment I am told by my lawyers that I may.

Mr. S. Smith: A very brief supplementary: I appreciate the comments, but since the minister is aware the matter might go to appeal again, would it not be expeditious to act by amendment of the Act in question so as to specifically designate this information as information which is not to be considered confidential from the public accounts committee or from the Provincial Auditor?

Hon. F. S. Miller: Mr. Speaker, I have another Act before the courts right now and no one is pushing me to amend it prior to the decision of the courts.

Mr. Singer: That's not the answer.

Hon. F. S. Miller: I would suggest that that's what we have the courts for. Let them make their decision and let us then decide whether the amendment is needed.

Mr. Roy: No, no.

Mr. Reid: This is the highest court.

Mr. Lewis: May I invite you to bring in your bill?

Mr. Singer: By way of supplementary, surely the minister must recognize—can I have the minister's attention?

Hon. F. S. Miller: I am listening.

Mr. Singer: Surely the minister must recognize that if he allows this two-day period before this session either adjourns or prorogues to go by, there is every possibility that the will of this House, expressed unanimously in the direction given to the Speaker, could well be frustrated by reason of the fact that he is not bringing appropriate amending legislation before this Legislature?

Mr. Nixon: That's right.

Hon. F. S. Miller: The members are now well off the health matters. I would rather they redirect these to the Attorney General because they are now on to legal matters.

Mr. Singer: I will redirect it.

Mr. Speaker: The question may be redirected.

Hon. Mr. McMurtry: Mr. Speaker, I think I heard all the question. I think it's significant, as I believe I attempted to state yesterday, that it is quite within the powers of this House to extend the mandate of the public accounts committee beyond the prorogation of this House. I am of that view and I must say I have discussed this matter with—

Mrs. Campbell: It doesn't solve anything.

Hon. Mr. McMurtry: —people who, I think, are in a position to express a very valued opinion in that respect. It is within the powers of this House.

Mr. Singer: By way of supplementary: Would the Attorney General not agree that the extension of the mandate of the public accounts committee has nothing to do with whether or not the statute and the provisions about confidentiality are binding on officials of the Crown? The fact that the committee

can continue to sit isn't going to change what the courts might do.

Hon. Mr. McMurtry: I don't think it is proper for me at this time to speculate specifically as to what the courts are going to do. In view of the fact that the Court of Appeal will be hearing this matter tomorrow afternoon, I think we should at least hear what the decision of the court is before we speculate any further on this matter.

[2:30]

Mr. Speaker: A final supplementary.

Mr. Singer: This is of utmost importance. Wouldn't the minster speculate at least to the extent that he will appeal in the event the OMA wins and they will appeal in the event that they lose and, therefore, everything will have gone—this House will have disappeared and the committee will not get the information and the public will not get the information?

Hon. Mr. McMurtry: I have nothing further to add to my previous answers.

PUBLIC HEALTH NURSES

Mr. S. Smith: A question for the Minister of Labour: Considering the fact that since the November 4 statement regarding additional funds for public health nurses there has been, I believe—I might be wrong—a grand total of one settlement, and in view of the mounting frustration of the nurses, could the minister tell us what additional steps she is planning to ensure more settlements and the ultimate resolution of this continuing problem? It is really becoming something of a disgrace.

Hon. B. Stephenson: I have written to Miss Gribben, pointing out the position I have taken and the steps I had proposed to the Ontario Nurses Association and the Association of Boards of Health. I also pointed out to her the availability of the members of the conciliation and mediation staff to work with any local of the ONA in public health throughout the province in order to find an agreed upon solution for the present dispute so that we may move to the joint exploration of a long-term solution to this problem.

It is my firm belief, and I have stated it on at least three occasions in this House, that any solution which is found must be one which is agreed to by both parties. It would seem to me appropriate that the Ministry of Labour should provide all of the assistance available to both parties in this dispute to finding resolutions to the present problem and then to working out a more appropriate solution to the potential long-term problem.

Mr. S. Smith: By way of supplementary, given the number of times that we have been forced to bring in legislation which was not acceptable to both parties, and given the length of time that this dispute has been dragging on, despite the November 4 announcement, surely the minister would agree that under the circumstances a short-term arbitrated solution is a reasonable alternative which the nurses want and which would be in the best interests of the people while she is seeking this longer-term solution?

Hon. B. Stephenson: That may be the opinion of the hon. member for Hamilton West. It is not the opinion of a number of responsible groups throughout the province of Ontario. I would agree wholeheartedly that the stimulation which has been given to the resolution of this dispute by the additional funds and by the letter which the Premier (Mr. Davis) has sent, not only to all of the presidents of the locals of the Ontario Nurses' Association but to the chairmen of all boards of health, should provide some stimulus.

The very fact that the municipal elections are now over with, I think, will probably help in providing some kind of action at the local level, because there appeared to be some impediment on the basis of potential non-election for some of the elected representatives on those boards.

Mr. S. Smith: Don't blame them.

Hon. B. Stephenson: This is precisely the kind of thing which has been happening. I believe very firmly that this government is in strong support of finding a solution, both on a short-term and long-term basis and, as I have said before, the best one is one which is agreed to by both parties.

Mr. Lewis: Supplementary: Since the Ontario Nurses' Association is now advertising publicly that the offer of money is useless and that the mediation has failed on every front, would it be possible if there is no settlement by the end of 1976—that is a year now we have tried unsuccessfully—to have a representative appointed from each of the three parties in this Legislature to meet with both sides and to attempt to effect a resolution of it before we are forced to compulsory arbitration?

Mr. S. Smith: Anything but arbitration, eh?

Mr. Lewis: Yes, anything but arbitration if we can avoid it. Exactly.

Hon. B. Stephenson: The Minister of Health and I have met on several occasions with representatives of both sides. I think we have been reasonably effective in bringing all of the issues to the view of both sides.

Mr. Sargent: Still batting zero.

Hon. B. Stephenson: The suggestion made by the hon. Leader of the Opposition is a very intriguing one. In my mind's eye it conjures up a delightful picture which I would dearly love to be able to paint, but I shall never be able to do so.

Mr. Lewis: Try it.

Mr. S. Smith: The nurses want arbitration. Give it to them.

Hon. B. Stephenson: Nonetheless, it would seem to me that we have not as yet had time to have responses from the letters which the Premier has sent, and I would hope that as a result of the fact that there are now four areas in which mediation, conciliation and negotiation are going on, and as there was one solution to a problem last week we may be much more hopeful, perhaps, than we have been in the past. I would continue to be hopeful that, indeed, these may set a pattern for the rest of the agreements.

MINING CLAIMS

Mr. S. Smith: A question of the Minister of the Environment: Could the minister tell us what the 10 conditions are that his ministry is allegedly setting out in the work order before any drilling is to be allowed on the mining claims on Lake Wanapitei? In fact, can he assure us that drilling will not take place in this particular water supply of Sudbury; or does he feel that drilling is quite acceptable under his 10 conditions?

Hon. Mr. Kerr: No, Mr. Speaker. As the hon. member knows, there's a certain amount of exploration going on in Lake Wanapitei and certain claims are being made by those who are exploring in that area. One of the conditions, certainly, in the work order will be that there will be no drilling as the result of finding a claim, of being able to establish that uranium ore is available in a certain area.

Those conditions are now being worked out with the Ministry of Natural Resources, so that any work order that's issued to those people who want to continue and drill at this time will know exactly under what conditions they can do so.

Mr. S. Smith: By way of a supplementary, I guess; it's somewhat related, Mr. Speaker: Can the minister inform us why that lake was adopted as a major water supply for the city of Sudbury, when it was already known from three drill holes in that particular area, from 1955, that there was heavy mineralization there? Was the ministry aware or was it not aware of the fact that mineralization was present there? If it was aware of that, then how can it account for the fact that the lake was not designated and, therefore, restricted from any claims being staked on it?

Hon. Mr. Kerr: These claims have been staked over a period of time. The lake in question is, I think, 10 miles from Sudbury. The quality of the water in the lake at the time that the intake pipe was laid there was satisfactory from the point of view of drawing water for municipal purposes. The quality of the water still in that lake is satisfactory; it is a large body of water, it has great assimilative capacity and, therefore, it was appropriate that an intake pipe be laid there. There are not too many bodies of water of that size in the Sudbury area. If the member has been up there he'll realize that.

BROWNDALE OPERATIONS

Mr. S. Smith: I'll ask a question of the Minister of Health; this is the last question, Mr. Speaker. Regarding Browndale, is the minister now prepared to cease the stonewalling, and can he tell us whether in fact per diem operating money has been used by Browndale in order to purchase properties?

Hon. F. S. Miller: First I'll answer the thing we talked about yesterday. We do not require that it be a non-profit organization.

Mr. S. Smith: It is one.

Hon. F. S. Miller: It is one, yes, but we do not require it.

Mr. S. Smith: That is why the ministry did the audit, because it is one.

Hon. F. S. Miller: The fact is we did the audit to assure ourselves that the moneys flowed to them were properly used under the terms of the agreement we had with them. It was a proper and justifiable audit, whether they were profit-making or non-profit making.

As far as I'm concerned we took action against them in the centre core of the city,

based on the last audit, to recover certain moneys that were used for capital purposes that we deemed not to be proper, and I believe that claim was accepted by Browndale.

Mr. S. Smith: By way of supplementary, since that isn't the question I asked: The question I'm asking is, have they been using operating per diem moneys in order to purchase properties? While the minister is thinking about that question and, hopefully, deciding to answer it this time, could he also perhaps consider whether he would tell us whether such properties that they may be purchasing, using per diem moneys, are being purchased from companies related to Browndale—namely the profit-making arm, Brown Camps and so on?

Hon. F. S. Miller: I suspect the Attorney General was looking into certain allegations in this area, and he may be able to answer those questions. I believe there were certain investigations going on.

Mr. Haggerty: Quit tossing the ball around.

Hon. F. S. Miller: I can tell members that the $68 or whatever it is that is permitted for the Browndale per diem—or for anybody else's per diem—allows for occupancy costs. If it is being paid towards a building they own, I assume it is being used to retire a mortgage. In other cases it is being used to pay rent and sometimes that rent is to a company affiliated with the operating company, as the member knows.

Mr. S. Smith: A brief supplementary: Then it's okay with the ministry if Browndale uses money from the taxpayers of Ontario not simply to provide the service but actually to buy pieces of property from profit-making related arms of the Browndale company? That's okay with the minister, is that right?

Hon. F. S. Miller: I'm interested in a fair sum paid for the value of property. If it is retiring a mortgage, I don't see that that's particularly bad. I assume that if they are renting it from somebody who already owns it, that person in turn is either paying a mortgage or getting a return on the investment. I can't see that the net cost to my ministry will differ too much either way. The key thing is, are they paying a fair price for the property?

Mr. S. Smith: Why are they non-profit?

PSYCHOLOGICAL ASSESSMENTS

Hon. F. S. Miller: Mr. Speaker, on December 9, the hon. member for St. George asked if I would investigate further her question concerning students providing psychological assessments, as the information the members had was that these were student teachers working towards a PhD in the teaching profession and not in psychology.

I am advised that the students in question are doctoral students in psychology enrolled at the Ontario Institute of Studies in Education. A fee is not charged for the psychological testing provided by these students and they are adequately supervised by a registered psychologist. They are under his supervision when they carry out psychological testing, sometimes on Browndale children, sometimes on other children, and sometimes at the request of the court. The students are involved in this as part of their training programme and because it is an opportunity to help.

By the way, if I may just conclude—I wasn't going to add this part—the member asked me what they were going to do in the future. I understand in the future they may practise psychology; some may be teaching at the university level. However, they are not seen as being teachers at the public or high school level.

Mrs. Campbell: A supplementary, Mr. Speaker, if I may. In view of the fact that this sort of information has been given publicly by one of the psychologists who is responsible for this particular practice, and in view of the fact he has stated he is operating on behalf of OISE rather than Browndale, although Browndale letterhead is used in the assessments, could the minister advise us from whom he obtained this information which is given to us today?

Hon. F. S. Miller: I got it from my staff but I'll be glad to find out from whom they obtained it.

WATER SHORTAGE IN NORTHERN ONTARIO

Mr. Angus: Mr. Speaker, a question to the Provincial Secretary for Resources Development. As more than one month has passed since we advised the minister of the serious water shortage in northwestern Ontario, could he now inform this House what action the various ministries under his wing will be taking to assist the drought-stricken areas?

Hon. Mr. Irvine: The hon. member sent me a letter, as he mentioned, approximately a month ago. Since then we have had two policy meetings concerning the drought problem in the Thunder Bay area. It is not confined to Thunder Bay; it is a much wider area than that. It is in northwestern Ontario; it is in Manitoba and it may be in other parts of Ontario. I want to say to the hon. member it isn't something which has been neglected as far as our policy field is concerned.

The ministries of Agriculture and Food, Environment, Natural Resources, Housing—all the ministers in my field—have looked at the subject very carefully. We are discussing it again on Thursday morning to endeavour to give members a resolution as far as we are concerned. I am not hopeful that we will have an easy answer. This is something which will be a problem not only throughout Ontario but, I think, all of Canada and probably throughout the world, as we see it at the present time. There will be some very drastic climatic changes which could go back to the 1930s.

[2:45]

I would suggest that we should wait until Thursday when I expect to have an answer from Thunder Bay city itself as to what it will do to relieve the problems in the area. After that we will be able to respond, and I will, to your letter.

Mr. Conway: He will send the rainmaker.

Mr. Speaker: Order, please.

Mr. Angus: In the minister's deliberations tomorrow, will he be discussing what assistance in terms of finances or equipment the province of Ontario can provide in co-operation with the city of Thunder Bay to ensure that those people in the outlying areas can get water at a reasonable cost?

Hon. Mr. Irvine: This matter has been discussed. At the present time it is the opinion of some of us in our policy field that the Ministry of the Environment in particular is not prepared or not able to give assistance on an ad hoc basis, which this would be. We feel this is the responsibility of the city of Thunder Bay. We think there can be supplies obtained from the city and from other parts of the municipalities that are involved.

We do think that if there is any assistance it might be through the Ministry of Agriculture and Food as it relates to capital investments, whereby the farmers instead of deepening their wells could have storage holding tanks which would allow them to have water for their animals, which they haven't been able to have in the past and, as the hon. member has said to me, have had to pay rather excessive sums for the water which they obtained from people in the area.

Mr. Reid: Supplementary: In view of the fact that there's no money left in the capital grants programme and there won't be any available until the next fiscal year, will the minister be providing the money for the farmers, not only in the Thunder Bay area, but my area and other ones?

Hon. Mr. Irvine: Mr. Speaker, first of all we haven't received any applications, to my knowledge, and I think we would have to deal with those when they come in.

Mr. Foulds: Supplementary: I can understand the minister's difficulty trying to solve the world's climatic problems; does he not think it might be more appropriate if his policy review committee tried to solve one concrete problem at a time? Does he not agree that the drought situation in northwestern Ontario is more serious in that area than it is in any other part of this province?

Hon. Mr. Irvine: Mr. Speaker, all I was trying to tell the hon. member is this, it's not a local problem; it's a problem that exists throughout the world. I wasn't trying to sidestep the issue of Thunder Bay. I understand Thunder Bay has a problem but there are other areas that have a problem too. It's not isolated in Thunder Bay.

Interjections.

Mr. Speaker: Order.

Hon. Mr. Irvine: There are Hearst, Rainy River—various communities that have just as much of a problem as Thunder Bay has.

LANGSTAFF LAND FREEZE

Mr. Stong: Mr. Speaker, in the absence of the Treasurer (Mr. McKeough)—

Mr. Speaker: Order, please. We can't hear the member for York Centre. Now we'll get on with the new questions.

Mr. Stong: In the absence of the Treasurer, I'll ask the House leader, if I may—

Mr. Speaker: Will the hon. House leader accept the question?

Mr. Roy: Sorry to disturb you, Bob.

Mr. Speaker: The hon. member may proceed.

Mr. Stong: Mr. Speaker, if the story reported in the Hamilton Spectator of December 2 is accurate—wherein it was reported that one Paul Preston, who was then president of the Burlington Area Progressive Conservative Association, was successful in having the freeze on his property in the green-belt area lifted as a result of the intervention of the then Solicitor General, Hon. George Kerr, so that he could build two houses on his 4.4 acres which was frozen—when in the name of fairness is the government going to lift the freeze from the Langstaff community and move it 1,000 feet to the north so that entire community can be freed from that oppressive burden?

Hon. Mr. Welch: Mr. Speaker, I am sure the hon. member would appreciate that that question should be directed to the Treasurer, and I would be very glad to draw it to his attention when he returns from the very important meetings that he is attending in Ottawa at the moment.

ENERGY COSTS

Hon. Mr. Timbrell: Mr. Speaker, in the Legislature on Friday there were a couple of questions which were taken as notice by the Premier for me. I would like to respond to them. The first came from the hon. member for Wentworth (Mr. Deans), and he asked: "Is it the intention of the government . . . to make any representation before the Energy Board with regard to the more recent increase request by the natural gas company in the province of Ontario?"

As the hon. member knows, the Ontario Energy Board in accordance with The Ontario Energy Board Act, has quasi-judicial powers which, in the case of rate-setting, are similar to those of a court of law. The board considers all relevant material available and holds public hearings to allow all interested parties to present their views on any rate application. The government does not, as such, intervene or interfere.

I understand there are currently three applicants before the OEB in various stages of progress. Union Gas is in a phase 2 hearing, that is, examination of rate structure. Consumers' is just about to conclude a phase 2 hearing and Northern and Central is appealing a previous decision of the board regarding its revenues. These companies are closely regulated by the OEB and their rates of return and prices charged are set by the board. The most significant price increase has been caused by the federal government's setting of the Toronto city-gate price of natural gas, the price at which about 99 per cent of Ontario supply must be purchased by the Ontario gas distribution companies.

On the same day, the hon. member for London Centre asked if we'd given any consideration to the Ontario—

Mr. Speaker: Order. Is this a related question?

Hon. Mr. Timbrell: No, it's a separate question.

Mr. Speaker: Do the answers go together? I think we should wait our turn then and we'll get you the next time around.

TEACHERS' NEGOTIATIONS

Mr. Foulds: I have a question for the Minister of Correctional Services and, if I could be presumptuous enough, I would ask the Minister of Education to listen too because it is related. Is the minister aware of the difficulties these ministeries are continuing to have with the provincial schools authority teachers because they are failing to supply them with information they need for their contract negotiations?

In particular, is the Minister of Correctional Services aware that his ministry failed to deduct federation fees for its teachers for last year, that the federation has still not received those dues, that it has listed only 122 correctional teachers when there are 155 on contract and that several part-time Correctional Services teachers were denied pay for at least two months, even though they were members of the unit?

Hon. J. R. Smith: As to the first question, I'm unaware of that problem. With regard to the second part, I am aware that an error was made and the deductions for their dues were not deducted at the time. At present we're working with the representatives of the teachers to try to reclaim the moneys that are owing.

Mr. Roy: What about the number of teachers?

Mr. Foulds: Supplementary: Could the minister ensure that while he is doing that he doesn't try, as the ministry evidently did, to hit them for two years' dues in one lump sum, and instead phases it over a period of time so it doesn't come all out of one pay cheque?

Mr. Yakabuski: Put it on Chargex.

Hon. J. R. Smith: A number of ways have been suggested as to how these moneys can

be reclaimed from the teachers, perhaps on a several months basis. We are trying to have it resolved. I don't know whether or not it would be acceptable to the teachers' federation or not to have them pay in several parts or instalments, but I'd be very pleased to look at it.

RESIDENTIAL SCHOOL FOR HANDICAPPED CHILDREN

Mr. Sweeney: A question to the Minister of Education: Can he confirm that officials of his ministry are at present studying the feasibility of setting up a residential school for children with severe learning disabilities, such children now going to the same kinds of schools in the United States?

Hon. Mr. Wells: I can confirm to the hon. member that we are looking at alternatives to the programme of sending these children to the United States, but we're not looking at the alternative of setting up a residential school that would be run by this ministry in this province.

Mr. Sweeney: Supplementary: Since the bulk of the children, I think about 80 per cent, who are at present being funded by the Ministry of Community and Social Services in this way are between the ages of 11 and 16, and since that ministry does not believe it should be looking after these children, does the minister not believe his ministry should be?

Hon. Mr. Wells: I think my friend puts it in a rather simplistic way. What he means is that the school system of the province of Ontario should be. Yes, I do, and certainly that is the direction we're moving in.

Mr. Warner: You don't do it.

Hon. Mr. Wells: In other words, the programme should be available in the school system of the province of Ontario.

Mr. Warner: Obligatory.

Hon. Mr. Wells: If a residential component is necessary, the school system of the province of Ontario does not pay for basically residential accommodation. There are a lot of young people going to residential schools in this province for various reasons and the family pays for the residential and indeed the school part itself.

Mrs. Campbell: Mostly to get their education.

Hon. Mr. Wells: So the answer is yes, we think the school system in this province should provide for those young people.

Sometimes, as my friend knows, there's a difference of opinion as to whether it is or is not being provided. Some of the local school boards still claim they can provide an adequate programme for those children without the residential component. It may be the residential component—living away from the family in a residential and school environment—is helping the school programme and therefore is a better programme than the one they can get here.

We're not looking at providing residential schools in this province in the public sector.

Interjections.

Mr. Speaker: I think we just have time for the answer to the question that was taken as notice. Order, please. I think we'll go on to the answer to a question.

Mr. Foulds: If the minister is interested in establishing special education, why doesn't he enforce my private member's bill?

Mr. Speaker: Order, please.

ENERGY COSTS

Hon. Mr. Timbrell: Mr. Speaker, there was a further question which the Premier took as notice from the hon. member for London Centre who asked if the government has given any consideration to the Ontario Energy Board taking a role in the hearings before the National Energy Board with respect to rate basing or taking a position in that consortium for the pipeline.

I am assuming the hon. member meant the Ontario Energy Corporation not the Ontario Energy Board, inasmuch as the Ontario Energy Board is a regulatory body. The answer is that we are not considering an investment through the Ontario Energy Corporation in that pipeline. The ministry, as such, is an active participant in the hearings before the National Energy Board.

Mr. Speaker: The oral question period has expired.

Petitions.

Presenting reports.

REPORTS

Hon. Mrs. Scrivener presented the report of the Provincial Auditor for the year end-

ing March 31, 1976, and moved that it be examined by the standing committee on public accounts which will be appointed at the next ensuing session of the Legislature.

Motion agreed to.

Mr. Germa presented the report from the standing public accounts committee.

Mr. Speaker: Motions.

MOTION

Hon. Mr. Welch moved that notwithstanding any previous order, the House meet in the chamber on Wednesday, December 15, at 2 p.m.

Motion agreed to

Mr. Speaker: Introduction of bills.

Orders of the day.

[3:00]

FARM INCOME STABILIZATION ACT

House in committee on Bill 131, An Act respecting Farm Income Stabilization.

On section 1:

Mr. MacDonald: Mr. Chairman, during the course of our consideration of the committee stage of this bill, I will have amendments to a number of sections. I will state in advance that I think it would be appropriate for us to stack each of these amendments because they are interrelated and I think consideration of all of them before we come to a vote might be the best possible procedure.

Before I move my first amendment, may I make a couple of general comments, briefly, as I think is in order on the first section of a bill in committee stage.

The first point I want to make is that each of the amendments I shall be moving is an amendment which has been proposed by the general farm organizations in the province of Ontario. Indeed, the Ontario Federation of Agriculture stated when they came before the committee last week that without these amendments the bill is "next to worthless." And I think it is well that the House examine just how thoroughly the farm organizations, which of course have most interest in this legislation, have stated their case in terms of the unacceptability of the legislation as it now stands.

Mr. Chairman: I want to remind the hon. member that the first section is nothing more than a definition section.

Mr. MacDonald: That's right. And my first amendment will be a definition.

Mr. Nixon: Let's get to it.

Mr. MacDonald: We shall be getting to it. I am glad to see that you are very anxious.

Mr. Nixon: We heard this general palaver on second reading.

Interjection.

Mr. MacDonald: The first point that I wanted to make is to draw attention to the fact that the National Farmers' Union has stated that the principle of this bill is wrong, and therefore that it cannot be amended in any suitable form.

Mr. Nixon: How can you carry friends with all three of those organizations at the same time?

Mr. MacDonald: However, if I may move from that to the Federation of Agriculture, the federation, through its previous president—

Interjections.

Mr. Chairman: Can we have some order please?

Mr. Nixon: Why doesn't he make his amendment?

Mr. MacDonald: Have I got the floor, Mr. Chairman?

Mr. Chairman: You have indeed.

Mr. MacDonald: Thank you very much. The previous president of the Ontario Federation of Agriculture was very vigorous in his article in Farm and Country with regard to the unsuitability of this bill. We have already dealt with his comments in second reading; I shan't repeat them.

But I think it is well just to know the updated statement of the Federation of Agriculture. Its new president, Peter Hannam, said before the standing committee of the Legislature: "In our opinion, unless this bill is amended in the manner we request, few farmers, if any, will see fit to resort to the use of this Act." Later in his presentation he stated, "The bill as it stands offers little scope for negotiating anything of significance. The support level is set out as a minuscule maximum that in itself makes no—

Mr. Chairman: Those deal with the principle of the bill which we dealt with on second reading. You must confine your remarks to section 1 of the bill.

Mr. MacDonald: Mr. Chairman, with respect, these are dealing with the amendment which I am now about to make.

Mr. Chairman: We don't have an amendment before the committee at the present time.

Mr. MacDonald: If you will just bear with me for 30 seconds I shall make the amendment.

Mr. Chairman: I wish you would.

Mr. Nixon: Do you want to suspend the rules for 30 seconds?

Mr. MacDonald: His final comment, Mr. Chairman, was that "these are our recommendations with regard to the necessary amendments in the bill. We consider them necessary and by no means trivial—"

An hon. member: Alas!

Mr. MacDonald: "—without them Bill 131 is worth little." Therefore, Mr. Chairman, I proceed to the amendment.

Mr. Roy: What flexibility in your position.

Mr. Conway: You lost them there, Don.

Mr. Philip: We will see who has the flexibility.

Mr. Roy: That is like losing your virginity last week and going after the corporations.

Mr. Lewis: That's got to be a distorted report. That report can't be true. I wasn't there but I don't believe it, not a word of it.

Mr. Roy: I don't know how you can keep losing that—

Mr. Chairman: Will you carry on your private conversations outside the chamber, please?

Mr. Nixon: We are waiting for the amendment.

Mr. Chairman: Mr. MacDonald moves that subsection (c)(ii) of section 1 be deleted and the following substituted therefor: "the amount paid under The Agricultural Stabilization Act Canada."

We will restrict our comments to that amendment.

Mr. MacDonald: It is rather difficult to deal with the technicalities of this bill as we anticipated on second reading. In our view in the New Democratic Party we really should have sent the bill back for redrafting where it could be done tidily. Now we have no alternative but to attempt to do it in what inevitably is a bit of an untidy fashion.

Subsection (c) of section 1 deals with farm product receipts and it defines them as, "means the amount ascertained and prescribed by the commission for the purposes of a plan as representing, for each unit of farm product, the sum of"—then they list three items which make up farm products receipts: firstly, "the market price"; secondly, in the bill as it now stands, "the amount prescribed under section 6(1)(c) as a stabilization factor"; and, thirdly, "any other moneys received or receivable by producers respecting the farm products to which the plan applies."

Here is where the government is engaged in—I don't know what is the appropriate word—subterfuge, sleight of hand or whatever you will. What the government said in effect, was: "We hope the government in Ottawa is going to name any product that needs assistance; and if they name it, then it will get 90 per cent. But even if they do not name it, this bill will be drafted on the assumption that they have named it." It is the strangest kind of situation that the government should draft a bill on the assumption that something will happen when the government itself concedes that it may not happen.

In his attempts to explain this rather difficult bill to the farmers and to the public after he introduced it, the minister himself noted, for example, that if perchance a product were not named by Ottawa so that it would become eligible to get coverage for 90 per cent of the average price of the last five years, then that payment wouldn't be coming from Ottawa and, therefore, the five per cent which this bill proposes to supplement would be paid, not on the basis of the 90 per cent, but on the basis of the market price. And it may well be that there are some products today—indeed, there are some products today—whose market prices slumped to 80 per cent, 75 per cent or even 60 per cent of the average of the last five years.

What the government is saying in effect, is that in the instance of those products, if they don't get named by Ottawa, all this government is going to do is to add five per cent to that market price; and if the market price happened to be 60 per cent, then the farmer can expect to get only 65 per cent of the average of the last five years. If you need anything more to indicate the inadequacy of the bill and the kind of sleight-of-hand

manoeuvring that the government engaged in, I don't think you need to go any further than that.

The government was instructed—certainly in the debate, if it wasn't nailed down in firm terms in the reasoned resolution that was passed last June, sending the government back to the drawing boards—that what we should have was a bill that would be comprehensive; in other words, it would be available to all products in the province of Ontario. The government has come in with a bill which is technically comprehensive, but in fact it is not comprehensive. It is technically comprehensive in that it says that those products which are named in Ottawa will be covered by 90 per cent of the average of the last five years by Ottawa and the government will add its five per cent. For those products that are not covered by Ottawa, the government is counting on the assurances, both verbal and written, of Gene Whelan that they will then move to name them; and if they name them, the government will add its five per cent to the 90 per cent that they provide. But if they don't name them, the government's five per cent is only going to be added to the market price.

I want to put on the record just how inadequate that kind of situation is. I want to put it in the terms of Peter Hannam, the new president of the OFA, who came before the committee last week. His comments with reference to section 1(c)(ii), were these:

"We object in the most strenuous terms to including in farm product receipts a hypothetical return, had the federal government supported the product (the assumption is it has not) under The Agricultural Stabilization Act. Surely it is folly to pretend to stabilize farm returns when there is included in the formula, a factor to lay squarely on farmers the risk of irresponsible federal administration of the law—a factor that is designed precisely to protect the Ontario government from sharing that risk. No group could but protest against a measure that excluded it from admittedly justified assistance on the basis of a contrary-to-fact condition; assuming a return that was non-existent."

That is the view of the Federation of Agriculture—

Mr. Nixon: What is that contrary-to-fact condition?

Mr. MacDonald: I feel rather confident that the farmers' union would agree too, except that unfortunately we didn't have the benefits of their submissions to the standing committee because their convention was being held in Edmonton at the same time and none of them was able to attend.

Before I take my seat on this point, let me turn to an attempt to clarify what appears to be the Liberal position at the present time. I have given up on the Tories.

Mr. Conway: We have given up on the NDP.

Mr. MacDonald: I know you will. I know you will.

Mr. Nixon: By the way, doesn't your amendment involve the expenditure of public funds?

Mr. MacDonald: In fact, Mr. Chairman, they have given their position but I just want to turn to an area on which I would like to seek some clarification.

For example, the hon. member for Brant-Oxford-Norfolk, in his comments on page 5055 of Hansard, on second reading, made this comment: "My colleague, our agricultural critic, the hon. member for Huron-Middlesex, has indicated that he has confidence that the federal plan can be expanded quite readily to include any programme that is requested by the growers concerned." Admittedly it can be expanded if we can be assured that it always will be expanded, but as Peter Hannam has pointed out on behalf of the OFA, we haven't got that assurance in ironclad terms and without that assurance you have got an inadequate thing in the bill.

However, the interesting thing is that the member for Brant-Oxford-Norfolk was referring to his agricultural critic and what he has said, and this is what I want to draw to the attention of the House and particularly to my Liberal colleagues in the hope that they will clarify it. For example, on page 4993 and following, the hon. agricultural critic for the Liberal Party made this comment:

"On the other hand, the OFA president condemns the bill for only offering a five per cent payment for some commodities. Those would be ones that are covered by neither the federal government nor by price-controlling marketing board. Certainly the minister was prepared to support those commodities at the 90 per cent level in Bill 96, similar to the main commodities under the federal stabilization programme. I personally fail to see why the minister is not prepared to give that kind of support to those commodities under Bill 131, considering that his estimate of cost for supporting those same commodities under Bill 96 was $7 million and under this

plan the government would pay only two-thirds of that."

A little later he made this comment: "Needless to say, in the absence of a federal stabilization plan for farmers, this bill would be completely inadequate, and to have any meaning, the provincial plan would have to give full protection to all farm commodities. In many ways Bill 96 was better than this bill in that it would support commodities at the same level as the federal plan for those commodities that were neither named nor designated under the federal plan."

He finally commented as follows: "Obviously the federal programme is inadequate, and yet Bill 96 provided a stabilization programme identical to the federal plan which the Minister of Agriculture and Food himself called inadequate. In his own words, the minister said there are inadequacies in the federal programme, and yet he was prepared to leave anything that was covered by the federal programme under the inadequacies, and set up a provincial programme that was identical."

I think, if I understand it, what the critic for the Liberal Party stated was that in his view this bill should cover all products. That's what Bill 96 did. The cost was only going to be $7 million. The cost now will be only two-thirds of that because the farmers are now going to be contributing and therefore, Mr. Chairman, I submit that this is a motion which is the first of two amendments. The second one, in section 6, will have to deal with this government tactic of trying to define out products which it was my belief in this House was the solid united view of the opposition parties should not be defined out. They should be defined into the bill and given at least the kind of coverage that is given in Ottawa plus—

Mr. Nixon: If they are not going to cover it, we are going to cover it.

Mr. MacDonald: —the five per cent—

Mr. Nixon: Why not have Ottawa cover it?

Mr. MacDonald: —that we are proposing to ask.

Mr. Nixon: Why not use their money, not ours?

Mr. Wildman: But you don't know they are going to cover it.

Mr. Nixon: Yes, I do.

[3:15]

Mr. MacDonald: Peter Hannam is not sure either, so have a chat with him.

Mr. Nixon: Peter hasn't got the same political confidence in the government that I have.

Mr. MacDonald: Maybe he is speaking on behalf of the farmers while you are speaking on behalf of the Liberal Party. That may be the difference.

Mr. Chairman: Order, please.

Mr. MacDonald: You are right, Mr. Chairman, I should address my remarks to you.

Mr. Chairman: We are dealing with your amendment to section 1 of this bill. Restrict your comments to it.

Mr. MacDonald: I have made my remarks as to the first of two amendments. The second will have to come in section 6, which is to achieve the basic principle of comprehensive coverage which the farm organizations feel very strongly is a necessity, if this bill is going to be worthwhile.

Mr. Chairman: Before I recognize the hon. member for Huron-Middlesex, there is some question in the mind of the Chair whether or not this amendment is appropriately put since it does seem to me to involve the expenditure of public funds. I would like to hear some comment on that from the committee before I make up my mind as to whether we can accept this amendment.

Mr. MacDonald: Could I make a brief comment on that?

Mr. Nixon: On the point of order you raised, Mr. Chairman—

Mr. Chairman: It is not a point of order. It is the Chair thinking out loud.

Mr. MacDonald: Just a brief point on that. I grant you that this may involve the expenditure of funds. We have been told by the ministry that this bill is likely going to involve the expenditure of some $70 million a year. I am willing to lay my life on the line that in the first year, with the inclusion of all commodities as achieved through this amendment, you won't get within reaching distance of $70 million a year. Indeed it was that very point that led Gordon Hill to say; "Who are Bill Davis and Bill Newman trying to kid?"

Hon. Mr. Henderson: We hope you are right.

Mr. Nixon: On the point, and I don't believe I can refer to the point without referring to some of the arguments the hon. member has put forward on behalf of his amendment, the whole point of the amendment put forward by the member for York South is to put the province of Ontario into the subsidy-paying or stabilization—paying procedure whether or not the government of Canada is involved. Frankly our argument from the Liberal Party is that we want the support to go to the farmers, but why should we not use a federal programme if it is in place? Why should we not use federal dollars in place of provincial dollars if the net result is the same? That is precisely our point.

On the discussion that you raised, Mr. Chairman, as to whether this will spend money, the whole point of the amendment is to pay provincial dollars instead of federal dollars. Our position in this party is that the payments go to the farmers. We believe, although we have no assurance, in the statements made by the government of Canada that the designation at the federal level will see federal dollars go to the farmers. On this point the very amendment is to replace those federal dollars with provincial dollars. We don't see whether that is in the interest of the farmers or the provincial taxpayer or, on the point you put forward, that it is even in order.

Mr. MacDonald: You are confusing the issue.

Mr. Chairman: I would like to hear further debate on it. I will recognize the member for Huron-Middlesex.

Mr. Riddell: I don't know if I can add too much to what my colleague has already said, other than I feel personally that this does involve an expenditure of money. From my limited experience here only the minister can make an amendment that does involve the expenditure of money. I would say that the member is out of order in his particular amendment. Our approach has always been that any stabilization programme should have federal participation. If we are going to support all commodities at the 95 per cent level, then we are simply withdrawing pressure from the federal government to designate those commodities under the federal stabilization programme.

I have here a statement that was made by Mr. Whelan at a federal-provincial conference. He states: "There has been some uncertainty expressed as to whether or not support would be offered under the federal programme to commodities that are not named under the Act. I can indicate to you that any agricultural commodity which is produced in significant quantities in Canada will be supported under the federal programme if the need for the support can be demonstrated." So we have no reason to doubt the integrity of the federal Minister of Agriculture.

Mr. Wildman: What about cow-calf producers?

Mr. Riddell: I am somewhat concerned that if we support all commodities at the 95 per cent level, which the NDP agricultural critic would like to have—

Mr. MacDonald: Oh, no, you are missing the point. We will come to that later.

Mr. Riddell: —then the federal minister is simply going to say: "You have your provincial programme in place. Your commodities are already supported at the 95 per cent level; I'm not interested in rendering any support for that particular commodity out of the federal stabilization programme."

We definitely feel, I repeat, that any stabilization programme should be set up on a national basis. We shouldn't be giving the federal Minister of Agriculture any excuse to opt out of a programme or out of stabilizing a product. This is exactly what this amendment would be inclined to do.

Mr. Nixon: On the point you raised, Mr. Chairman, in my view it would be unfortunate if this whole debate were ruled out of order because of the concept of the expenditure of public funds. It is not clear, and it's not clear in your own mind, whether or not the passage of the amendment would mean a clear expenditure of public funds. It may be argued either way.

The advice I would give you is that it would be supportable certainly from any reasonable and objective source, it seems to me, for the position to be debated here and decided by vote of the House since it is a matter which far transcends simply the expenditure of provincial dollars as opposed to federal dollars. I would advise you to accept the amendment that has been put forward, let the House debate it and then, in the wisgoing to name all these additional products

Mr. Chairman: Does the minister have a comment at this time?

Hon. W. Newman: Yes, Mr. Chairman. I would point out that the whole purpose of

this bill and in bringing it forward was to set it up in such a way that we could concur with all the agricultural organizations in this province; we want a truly national programme. I think that is part of the purpose of this bill—that at a later date we can move into a truly national programme.

If this amendment was accepted—I'm not prepared to accept it myself—it would mean the expenditure of additional dollars which have been, by and large, committed in a statement and by word of mouth on a radio programme which we happened to tape, by the federal Minister of Agriculture. He said that when the need is there he will fulfil it.

There are eight named commodities now; he has named six more commodities since last June when we had our debate in the House. I have every assurance that they will cover it under ASA 75, better known as Bill C-50.

To ask us at this point in time to expend additional provincial dollars—it's not only provincial dollars; the whole principle of the bill would be changed. The whole principle of what we're trying to do would be altered by accepting that amendment.

Mr. Swart: I would say a word or two about the order of the amendment. It seems to me, as was pointed out by the member for Brant-Oxford-Norfolk, that it doesn't specifically provide for additional expenditures of money. This could happen but it does not specifically provide for that; it says up to 95 per cent in a later clause. This particular amendment proposes that we make it more comprehensive.

If what the Minister of Agriculture says is true, that it's going to be all covered by the federal government, I suggest that there would not be any additional expenditure of money. There are no direct instructions or legislation for additional expenditure of money.

I have to say, if I may speak briefly to this amendment, that I really don't understand the opposition either across from us or to our left to this comprehensive inclusion. It seems to me that only two things can happen: One, as I say, is that the federal government is going to name all these additional products as the need arises. Then, of course, there won't be any additional money spent and there's no disadvantage to having this clause in the bill.

Mr. Nixon: With this amendment there won't be any need for a federal designation because the money will come from the province. Eugene has integrity but he's not dumb. If somebody else can pay the bills, why should he?

Mr. Chairman: I will recognize the hon. member for Brant-Oxford-Norfolk in his turn.

Mr. Swart: If the argument is that the federal government is going to designate these products, then surely there is a basic and fundamental need for this coverage. I'd go so far as to suggest that if you couldn't have both the five per cent additional, the 90 to 95, and the comprehensiveness, then we should have the comprehensiveness, because many farmers can suffer substantially in the production of certain farm products if there is not coverage for those under the income stabilization plan.

The farmers have stated that they want the comprehensive coverage. In addition to what the member for York South has said, the brief from the Ontario Federation of Agriculture to the committee that was sitting on this made these comments.

Pardon me, I am on the wrong page.

Mr. Nixon: You may be reading the wrong statement, too.

Mr. Swart: No, I assure you I won't do that.

Mr. Nixon: There are quite a range of statements from the federal government on this.

Mr. MacDonald: No, there are not. They are very clear in their thrust.

Mr. Swart: It would mean that for all commodities not named the Ontario government would, as it proposed to do in earlier Bill 96, support all commodities between the actual average return received including any federal stabilization payments, and the Ontario stabilization price for that product. It is saying that they want them to include the comprehensive coverage of all products.

More than that, just recently—as a matter of fact, last Wednesday—the Niagara Peninsula Fruit and Vegetable Growers Association held a convention in Niagara Falls. The report of that convention says this: "The Niagara Peninsula Fruit and Vegetable Growers Association is officially opposed to the farm income stabilization legislation that is now before the House." This was in the report which was adopted. "Because of its loopholes it is inadequate, the committee concluded." So they are in opposition to this plan as it is at the present time. Let me say to you that there is some significance in the position which they took at Niagara Falls. Because first of all, at the present time practically no fruit is covered.

Hon. W. Newman: Were you at that meeting? I was, so be careful.

Mr. Swart: I am quoting from the report and somehow or other I think there is some validity to the report which was adopted at that conference.

The significance is that at the present time fruit is not covered, peaches have not been covered, grapes are not covered. Of course, these are the two main products of the most sensitive agricultural area in the province. And yet they are not covered under the federal stabilization programme and wouldn't be covered under the bill which is proposed here.

Mr. Nixon: The federal government bought all those grapes this year. There was a special support programme for grapes.

Mr. Swart: The fruit and vegetable growers association also said in that same report and I quote: "We suggest that the Niagara Peninsula Fruit and Vegetables Growers Association could support provincial legislation which provides a total integrated policy for land-use planning, property taxation and farm price support." I suggest that if the government of this province is interested in preserving the prime agricultural land—and of course, there is no evidence that they are; we are, that's one reason we want to see this covered—they are going to have to take some action to meet those three demands of the Niagara Peninsula Fruit and Vegetable Growers Association.

For that one location alone I suggest that this amendment should be passed, because it would at least give some proof to the Niagara Peninsula Fruit and Vegetable Growers Association that the government means it if they say they are going to give them some protection, from the price point of view, for the viability of the agricultural industry in that area.

Mr. Riddell: I'd just like to draw to the attention of the former speaker, the member for Welland-Thorold, that the federal government did buy quite substantial quantities of grapes this year—

Mr. Swart: Buy.

Mr. Riddell: —so they certainly did help the grape producer. As a matter of fact, the grape producers tell me that there are very few grapes left on the vines down in the Niagara fruit belt.

[3:30]

Mr. Swart: That's not the issue.

Mr. Riddell: If the provinces had control over imports I would say there would probably be some merit in what the NDP is asking for. But we have no control over imports. It's strictly controlled by the federal government.

Mr. Swart: You mean lack of control.

Mr. Riddell: Therefore we do not feel that each province should come in with a programme whereby all commodities are stabilized at the 95 per cent level because it definitely does lead them to incentive pricing or top loading or whatever you may call it.

Mr. MacDonald: Oh no.

Mr. Swart: It's not the low prices.

Mr. Riddell: I want you to listen to what the federal Minister of Agriculture has to say about this matter:

"Given that the government is fully convinced that the level of support provided by The Agricultural Stabilization Act does provide adequate protection to producers under most circumstances, and given that there is a serious danger that higher levels of support would result in problems of oversupply, the government is not prepared to enter into top-loading agreements with provinces to provide levels of support above the minimum ASA 75 level on a continuing basis.

"Producers who want greater assurance of stability should seek it through marketing systems which assure management of supply and avoidance of surpluses."

Mr. MacDonald: They are going to pull out.

Mr. Riddell: A little further along in his statement he says: "I have indicated that ASA 75 provides, in our judgement, adequate protection in most cases and the provision of standby top-loading funds could provide protection in these situations where this is not the case. In these circumstances the federal government will not, as required by the Act, make payments under the support programme provided by ASA 75 to producers in any province that has a provincial programme which provides a level of support above that provided by ASA 75."

Mr. MacDonald: They're going to pull out.

Mr. Chairman: Order.

Mr. Riddell: This is just the point we're trying to make. The minister has said that if we're going to come in with a provincial programme to support all commodities at

the 95 per cent level he's prepared to withdraw support under the federal programme and we don't want this.

Mr. MacDonald: Where is his integrity?

Mr. Riddell: We want the federal Minister of Agriculture to participate in any stabilization programme.

Mr. MacDonald: Let me deal with the last point that has been raised. This is a case of sheer, unadulterated bluff by Gene Whelan.

Mr. Chairman: Please speak through the Chair, please.

Mr. MacDonald: All right, through the Chair. For months now Gene Whelan has been saying, "If there's any top-loading by a province we'll pull out our basic support." B.C. has been top-loading for months, and he hasn't pulled out his support. This whole bill is useless if Gene Whelan is going to pull out his 90 per cent. It would mean there's going to be no coverage at all because any time you add five per cent they're going to withdraw their 90 per cent.

Mr. Nixon: He is not going to pull it out.

Mr. MacDonald: I thought I heard, sotto voce, from the hon. member for Brant-Oxford-Norfolk that he's not going to do it. He's a man of integrity. He's not going to do it. Let's argue one way but not both ways. If he's not going to do it, let's not argue that we can't—

Mr. Kerrio: He wouldn't dare.

Mr. Nixon: You are the one who said he had no integrity.

Mr. MacDonald: Let me make the second point I wanted to make. I suggest that the Liberal Party can't have it both ways. If Gene Whelan is a man of integrity who isn't going to withdraw his 90 per cent if it is top-loaded at five; or if Gene Whelan is a man of integrity who is going to name any product which needs coverage not only for the province of Ontario but for the whole country—he happens to be Minister of Agriculture for Canada—there will be no need for us to move in to cover that 90 per cent.

He's a man of integrity. He's going to do it—but there may be some circumstances in which, in the instance of the province of Ontario, he doesn't move. That was precisely the circumstance which was envisaged by the Federation of Agriculture and Peter Hannam when he said we shouldn't have this mythical payment from Ottawa when it may not be paid.

If it is paid, fine; there will be no pressure. There will be no pressure for the province of Ontario to move in and take away the responsibility for Ottawa to build a genuine national plan. That man of integrity will do it.

I don't know what the word is but you can't have it both ways.

Hon. W. Newman: One or two things which have been talked about here today concern me to some degree. I cannot see this province—the province of Ontario—committing dollars when we have the assurance from the federal people and hopefully we will be able to get some further assurances tomorrow when we again discuss stabilization in Ottawa, that they will cover up to 90 per cent on any needed commodity.

I was very interested in what the member for Welland-Thorold said, "What about the people who need some help this year?" Outside of the eight named commodities, the federal people have already said in the 1975 crop year—these are the commodities they have added to the eight named commodities that are already in Bill C-50. Baby carrots are covered; sweet cherries are covered—these are only the ones that the payouts were in—baby carrots, sweet cherries, summer pears, prune plums, apples, raspberries, greenhouse tomatoes and cucumbers. So don't talk to me about some of the commodities of the Niagara Peninsula. I mean, that's just ridiculous. And you know, all commodities under our bill—

Mr. Nixon: The member for Welland-Thorold wasn't at the meeting, you say.

Mr. Swart: If you knew the Niagara Peninsula, you'd know that grapes and peaches are the main crops, not the ones you mention.

Mr. Chairman: Order, please.

Hon. W. Newman: I am fully aware of the grape situation in the Niagara Peninsula. We've had two excellent years. Last year we stepped in and bought thousands of tons of grapes. This year—

Mr. Nixon: That was election year, right?

Hon. W. Newman: We also moved in this year—

Mr. Nixon: Yes.

Hon. W. Newman: —and guaranteed the payment for 3,000 tons.

Mr. Nixon: Well, this may be an election year too. It's when you have a majority that you don't do anything.

Hon. W. Newman: And I hope in three year's time, as well as drinking Ontario wine you'll drink Ontario brandy to help use up the surplus.

Mr. Nixon: Are you personally going to save the industry?

Hon. W. Newman: I am convinced that the national part of this plan, which I think is very important—I think we all agree; I think in all three parties we agree—

Mr. MacDonald: Yes.

Hon. W. Newman: —we need a national stabilization programme. Perhaps some of the efforts we made last June may have had some bearing on this overall federal picture.

I'll tell you this, if we keep going at the same rate as we have in some of the other provinces, I look down the road and if each province brings in its own programme and we don't have any sort of national programme across this great country of ours, then I just see us balkanizing one province against the other and creating some very serious problems.

Mr. MacDonald: That's a phoney argument.

Hon. W. Newman: You see, you don't have faith in the agricultural community because you're always worrying about what the payout will be.

Mr. MacDonald: Ah, come on.

Hon. W. Newman: I have faith in the efficiency of the farmers of this province and what they can do. They can produce, given the opportunity. I'm not going to go into some of the problems we face in other commodities today. I just cannot accept this amendment which is spending provincial dollars and which destroys the aspects of a national plan.

Interjections

Hon. W. Newman: What you're asking for here today is breaking away from really trying to do a proper job on a national basis.

Mr. Warner: You've figured out how to grow baloney.

Mr. Chairman: The Chair has heard enough debate from all sides of the House to reach a decision as to whether or not the amendment proposed by the hon. member for York South is in order. I want to thank all the members for assisting the Chair in this, as to whether or not it would involve the expenditure of public funds. I'm convince that it would.

I want to refer members of the committee to section 56 of The Legislative Assembly Act which says:

"The assembly shall not adopt or pass any vote, resolution, address or bill for the appropriation of any part of the consolidated revenue fund or of any tax or impost to any purpose that has not been first recommended by a message of the Lieutenant Governor to the assembly during the session in which the vote, resolution, address or bill is proposed.

And in our standing orders, section 86 says:

"Any bill, resolution, motion or address, the passage of which would impose a tax or specifically direct the allocation of public funds may not be passed by the House unless recommended by a message from the Lieutenant Governor and may only be proposed by a minister of the Crown."

For those reasons—

Mr. MacDonald. Mr. Chairman, may I ask you a question?

Mr. Chairman: Yes.

Mr. MacDonald: Do you accept the argument of the minister and of the Liberal Party that they have the faith that the minister in Ottawa will move to cover any products? Because if they do, there will be no expenditure of money.

Mr. Nixon: Order. That is not debatable.

Mr. Chairman: I am about to make the ruling and it was made mostly on your admission that it would involve the expenditure of some public funds. You said it wouldn't cost near $70 million.

Mr. MacDonald: That's right.

Mr. Chairman: And so on that basis, I declare it out of order.

Mr. Eaton: Go ahead and challenge the Chairman's ruling.

Mr. Chairman: Any further comment on any other section of the bill?

On section 2:

[3:45]

Mr. Chairman: Mr. Riddell moves that a new subsection 3 be added to section 2 and that subsections 3 to 7 be renumbered as subsections 4 to 8. This would introduce into the bill a subsection 3, which would read as follows:

"(3) Three members shall be appointed, one to represent each of the Christian Farmers' Federation, the National Farmers' Union and the Ontario Federation of Agriculture on the following basis: (i) Each such organization shall, in every year before the 31st day of March, nominate to the Lieutenant Governor in Council one person for membership in the commission; (ii) the Lieutenant Governor in Council shall appoint the nominee from each organization as a member of the commission before the 30th day of April in that year, to hold office until the 29th day of April in the year next following."

He further moves the addition of a new subsection 9, which reads as follows:

"(9) The failure or refusal to nominate three persons by any of the organizations referred to in subsection 3, or the consequent lack of appointment of a person to represent such organization, or the failure or refusal of any member appointed in accordance with subsection 3 to act, does not affect the status of the commission, the carrying out of its powers and duties under this Act or the validity of any order, direction or regulation made by it."

Mr. Riddell: I think the amendment is fairly self-explanatory, Mr. Chairman. We feel that the farmer organizations should be able to appoint at least one person to this commission so that we can be assured that at least three members of the commission will be spokesmen for or representatives of the farmers across Ontario. We don't feel that we should leave it entirely to the Lieutenant Governor in Council to make the appointments. Granted, the minister has indicated he would try to appoint members on this commission who would represent a cross-section of the farming community in Ontario, but we want to be assured that the farmers are going to be represented.

We recognize three farm organizations here in Ontario—the Christian Farmers' Federation, the National Farmers' Union and the Ontario Federation of Agriculture—and we see no reason why they shouldn't have the opportunity to appoint directly to the commission and then leave it to the Lieutenant Governor in Council to make whatever other appointments it may wish.

Mr. Chairman: I'd like some guidance from the mover of the motion. Subsections 1 and 2 specifically direct, by the word "shall," and then the new subsection 9 says "failure to do so."

Mr. Nixon: No, that's failure; it's failure of the organization.

Mr. Riddell: Yes, of the organization. To give you an example, the Christian Farmers' Federation is not too much in favour of this bill. So if the Christian Farmers' Federation refuses to appoint—

Mr. MacDonald: Neither is the OFA.

Mr. Riddell: —someone to the commission then this doesn't hold up the proceedings. In other words, the minister can then go ahead and make an appointment in place of the one that was supposed to have been made by one of the farm organizations. In other words, we don't want one farm organization to be able to stymie this thing.

Mr. MacDonald: Mr. Chairman, if I may speak to the point you have raised. I think you've got a point, there's a lack of logic in the structure here. If it isn't absolutely mandatory—and I don't know how you can make it mandatory—that they should appoint somebody, then the word shouldn't be "shall" but should be "may." "Each farm organization may in every year make an appointment" and then in your new subsection you, in effect, say that if they don't that doesn't alter the capacity of the commission to carry on and do its business.

Unless you are going to come in with some other amendment or there is some other means by which you can, in effect, order a farm organization whether it wants it or not, then you have to change "shall" to "may."

Mr. Riddell: I see no reason why we can't accept that.

Mr. Chairman: The legislative draftsman draws my attention to section 1 which deals with three persons where it might appropriately deal with one person. I would entertain a thought of standing the section down if you wanted to talk it over with the legislative draftsman.

Mr. Nixon: I am not sure I understand the objection that the draftsman has raised.

Mr. Chairman: The draftsman doesn't raise questions, he points out to the committee that there may be some ambiguity in the amendment and he would be available to dis-

cuss it with them. He can't propose changes to the committee.

Mr. Nixon: It may be that it requires further discussion, but as I understood it, and my hon. friend put it forward, the three designated organizations may make a nomination, the minister then may appoint them but he shall appoint five people to the board.

Mr. Chairman: It is not up to me to justify what's in the amendment. If you want it placed in that way—

Mr. Nixon: If you would ask us to stand it down for further discussion I guess we can do that without any trouble.

Hon. W. Newman: Mr. Chairman, basically I have no objection to the principle of the amendment. As I indicated in my statement on second reading, as I indicated to the standing committee, if there is some legal wording I am not a lawyer and it should be corrected.

As to the basic principle of what we are talking about, I see nothing really wrong with the amendment that has been brought forward by the member for Huron-Middlesex. I don't see any objection to it and I haven't received any word from legal counsel up here yet saying that it is wrong.

Mr. MacDonald: Mr. Chairman, can we proceed with the debate while any clarification is sought?

Mr. Chairman: Is it agreed that we will stand this down until we get some clarification?

Mr. Riddell: I don't know whether that will be necessary, Mr. Chairman, because if we simply substitute the word "shall" in each case for "may," in other words, three members may be appointed, one to represent each of the Christian Farmers' Federation, the National Farmers' Union, and the Ontario Federation of Agriculture on the following basis, each such organization may in every year before March 31 nominate to the Lieutenant Governor in Council one person for membership in the commission. Then the Lieutenant Governor in Council shall appoint the nominee. In other words, if the farmers' organization nominates a person to sit on this commission then the Lieutenant Governor in Council has to appoint that person as one of the members on the commission. Apart from the second part of subsection 3, I feel the Lieutenant Governor in Council has to appoint the nominee, shall appoint the nominee, but in the other two cases I would think that "may" could be substituted for "shall" there.

Mr. MacDonald: Mr. Chairman, can I proceed with comments while we are checking—

Mr. Nixon: Mr. Chairman, if I might just make a comment, the legislative draftsman has brought to my attention that in the second part of my hon. friend's amendment it says "the failure or refusal to nominate three persons by any of the organizations referred to." It was pointed out that if you are going to have three people from three organizations, that might be construed as nine. Certainly there is no such intention. The three refers to one from each organization. If you'll permit us, we would like to change the word "three" in the first line of the amendment to subsection 9, to "one."

Mr. Chairman: All right, and making the same changes in subsection 3(i) and (ii).

Mr. Nixon: Yes.

Mr. Chairman: Is that understood? Just to avoid any confusion so we know what we're doing here, Mr. Riddell moves that section 2 of the bill be amended by adding thereto the following subsection and the remaining subsections be renumbered accordingly. "(3) Three members may be appointed one to represent each of the Christian Farmers' Federation, the National Farmers Union and the Ontario Federation of Agriculture on the following basis: (i) each organization may in every year before the 31st day of March nominate to the Lieutenant Governor in Council one person to the commission. (ii) the Lieutenant Governor in Council shall appoint one person a member of the commission before the 30th day of April in that year to hold office until the 29th day of April in the year next following."

Mr. Riddell further moves that section 2 of the bill be amended by adding another subsection, 9, which will read:

"The failure or refusal to nominate a person by any of the organizations referred to in subsection 3 or the consequent lack of appointment of a person to represent such organization or the failure or refusal of any member appointed in accordance with subsection 3 to act does not affect the status of the commission, the carrying out of its powers and duties under this Act, or the validity of any order, direction or regulation made by it."

Mr. MacDonald: May I draw your attention, Mr. Chairman, to the concluding four

words in section 2(1) which say: "the Farm Income Stabilization Commission of Ontario, which shall be a corporation without share capital responsible to the minister."

In other words even though these men may be nominated by these three organizations and even though they are appointed, this is going to be a minister's commission responsible to the minister. In the final analysis he can do as he's done, for example, in the instance of the egg board recently. He can take such steps as he wants to get rid of anybody on the board that he thinks is not playing the game according to the rules as he interprets it.

What we want in this bill and what the farmers in the province of Ontario are seeking is a meaningful role in which they will have the capacity to negotiate. This is going to be one side of the negotiating table; the Farm Income Stabilization Commission is going to be the government side, representing the government which, in turn, will represent the public. That's fair enough, but this is not going to be the body that will represent the farmers. There should be one, and we will move an amendment later to try to provide an opportunity for the establishment of a legally constituted farmers' organization, representative of farmers' commodities groups and general farm organizations, to be able to negotiate with the Farm Income Stabilization Commission.

My reaction to this is the same, for example, as Peter Hannam's reaction before the standing committee. If you want to make that change, go ahead and make it. It makes no difference because the commission is the minister's commission anyway.

Mr. Nixon: I would like to speak to the point that has been raised and I know the minister wants to as well. I don't see how the stabilization programme can work without a commission to administer it. It may be that the hon. member for York South figures that some Bay Street lawyers could be appointed to that commission and they would be responsible to the minister and carry out his will.

That may be and he says it doesn't make any difference either way, but from our point of view we feel that the administration should be in the hands of bona fide farmers who have the confidence of the recognized farm organizations. The fact that the bill says it is responsible to the minister simply means, surely, that the minister is responsible to this House for the funds it is going to pay out. There is no thought that we set up something completely independent which would have a key to some treasury the taxpayers pay into and would pay out of those funds as it sees fit. Surely we have a democratic responsible government and this is the way it must function.

The hon. member for York South is correct when he says there should be some procedure whereby the farmers can negotiate with the commissioners. We have the established farm organizations and marketing boards now and it will be interesting to see what proposal he brings forward. We already have democratically elected executives to the farmers' organizations and I hope we are not going to surround them with some tangle of bureaucracy which is in any way going to interfere with the work they do.

I am not entirely happy with the amendment put forward by my colleague from Huron-Middlesex because we all know that although there are three recognized farm organizations, they represent vastly differing numbers of farmers. In other words, as spokesman for the farm community, the federation is by far the most numerous and strongly supported organization in the province. The other two have histories of accomplishment of different lengths and effectiveness and they have been recognized.

On a commission of five members it seems to be reasonable, surely—in the early years of the commission at least—that each of the organizations be represented. One of the alternatives we should be thinking about when we look at this bill and the functioning of this commission in the future is that perhaps the farmers, through their organizations, can be given an opportunity to elect the members of the commission themselves.

It is quite possible that might be so or an alternative might very well be the bargaining structure which the hon. member for York South is thinking about. There would be elected from among the farmers some group which would be tantamount to a comparison of the Milk Commission and the Milk Marketing Board. This is a possible alternative as well but as we are just starting up this stabilization procedure we, in the Liberal Party, felt that in the administrative functioning board there should be, by law, the requirement that nominees from the three recognized organizations be put to the minister and, by law, he should be required to appoint them to the board.

My colleague has dealt very well with the possibility that a farm organization either now or some time in the future might choose not to participate. We have tried to include in

our amendment the mechanism for such an eventuality so that the commission would continue to function if such a matter did come forward.

Mr. MacDonald: Perhaps I should add a word because I may have left the wrong impression. I am not opposing the amendment. I agree that if this is all we are going to get —and I don't feel confident, in view of the atmosphere I detect on the other side of the House, that we are going to get a genuine farm committee able to negotiate—if this is all we are going to get then I agree the commission would be better to have three farmers on it.

I also agree with Peter Hannam in his submission on behalf of the OFA to the standing committee. This really isn't a very important issue. He says, "I don't care what you do" or words to that effect, because it is the minister's commission. True, it is going to be administering the whole thing but he even went so far as to say he wouldn't bother having it appointed now unless we had the other amendments, passage of which seems to be rather threatened in the House this afternoon, because the commission would have nothing to do. No farmers will bother to pay any attention to the bill.

Mr. Chairman: Any further discussion on the amendment? The hon. minister.

Hon. W. Newman: In order that we get the wording of the amendment correct for the hon. member over there. Under section 2, subsection (3) item (i), on the fourth line "to the Lieutenant Governor in Council"—where it says one person, it should be "a person." It is just a matter of legal clarification.

Mr. Nixon: What's that difference? What's that distinction?

[4:00]

Hon. W. Newman: "One person" instead of "a person."

Mr. Nixon: Give that man a QC.

Hon. W. Newman: It would now read: "Each such organization may, in every year before March 31, nominate to the Lieutenant Governor in Council a person for membership in the commission."

Mr. Roy: If you hadn't spotted that, it would have ruined the whole bill.

Hon. W. Newman: That is right.

Mr. Nixon: What is the difference between "one" and "a"?

Hon. W. Newman: I don't know. You ask the lawyers.

Mr. Nixon: We are surrounded by them. I don't hear anything from them.

Hon. W. Newman: Under subsection 3(2), Mr. Chairman, I am told the correct legal wording is: "The Lieutenant Governor in Council shall appoint a nominee as a member of the commission before April 30 . . ." and so on.

Mr. Roy: Yes, that is much tidier there.

Hon. W. Newman: Also, the proposed subsection 9 should read, "the failure or refusal to nominate a person," rather than "one person." If you are agreeable to that, it is just the legal wording to make it clear.

Mr. Wildman: Don't fight about that.

Mr. Riddell: No, but I am a little concerned in the second part, where it says the Lieutenant Governor in Council shall appoint a nominee. We have indicated that the three major farm organizations may appoint a nominee; now we are saying the Lieutenant Governor in Council must appoint that nominee—not just any nominee, but that nominee.

The three major organizations will each appoint one person for membership on that commission, and the Lieutenant Governor in Council shall appoint the nominee who has been appointed by the major farm organizations. I don't see why you want to change "the" nominee to "a" nominee. It sounds to me again as if the Lieutenant Governor in Council is going to be able to appoint anybody it wants.

Hon. W. Newman: No, the whole purpose of doing this was so that the nominee of each particular farm organization would be appointed to the commission by order in council. If you want to leave it that way, the lawyers say it can be worked either way now. You know, they change their minds. I am easy.

Mr. Samis: How much did you pay for that advice?

Mr. Roy: Do you want me to get up and argue both sides?

Mr. Nixon: Let's leave it then.

Hon. W. Newman: All right. Leave it. I will accept it as it was worded.

Motion agreed to.

Section 2, as amended, agreed to.

Sections 3 to 5, inclusive, agreed to.

On section 6:

Mr. Chairman: Mr. MacDonald moves that section 6(1)(c) be deleted and that section 6(1)(e) be deleted and that the following be substituted therefor:

"Establishing, from time to time, a stabilization price or prices respecting a farm product for which a plan has been developed, the stabilization price or prices to be obtained by adjusting up to 95 per cent of the base price thereof by an index calculated to reflect the true costs of production of the farm product in the year for which the stabilization price or prices are established." And that following sections be renumbered accordingly.

Mr. MacDonald: Mr. Chairman, there are really two amendments here, and I assume you may want to deal with them separately because it is just possible that the House may want to treat them that way. The first one is the deletion of section 6(1)(c) totally, and the second one is the deletion of 6(1)(e) and the substitute.

Mr. Chairman: I think it's possible to deal with them both in concert.

Mr. MacDonald: Fine. Let me speak first, if I may, to the suggested deletion of 6(1)(c). I suppose, in a sense, this is something of a repeat of the discussion we had earlier, to be very frank with you, Mr. Chairman, because section 1(c)(ii) is related to this and it relates to the whole business about comprehensive coverage.

Maybe I should put it on the record, just so that the government, and particularly our friends in the Liberal Party, will know what the position of the OFA is on this section: "We firmly reject including within farm product receipts any sum that farmers do not actually receive due to the failure of the government of Canada to fully implement The Agricultural Stabilization Act. We understand that the reason for this provision is to keep Ontario out of what might be taken as a federal responsibility in agricultural income stabilization.

"The aim is to sway the federal government to designate for support all commodities that encounter serious price depression. This is all exalted under the principle that the federal government alone should stabilize farm returns, because only the federal government can balance the scales of justice between the provinces and between farmers in several provinces.

"We fully support the principle that distributive justice between the provinces must be in the control of the federal government. We regret, as much as anyone, the prospect of provincial treasuries being pitted one against another, thereby losing sight of the objective of farm legislation. However, it is too late to argue that this can be avoided if the provinces will refrain from farm income activity. Not only British Columbia but our neighbouring province of Quebec has instituted income protection programmes. Quebec is moving ahead with establishing plans for beef cattle from birth to slaughter, industrial milk and eggs, with others in the earlier stages of planning. Already we must compete with these producers, who also benefit from greatly advantageous provincial credit and transportation subsidies. The federal government is most unlikely to take measures to reduce these current regional advantages being offered in these provinces. In addition, cow-calf support plans are now in effect in all the major producing provinces, including one-year programmes in Alberta and Saskatchewan.

"Our position is that the federal government will only be moved to fill the vacuum in stabilizing policy when one or two major farm provinces pass stabilization legislation;" when, in other words, the inadequacies of the ASA are generally admitted by provincial government. "Therefore, we recommend," says the Federation of Agriculture "that under section 6, subsection 1(c) that paragraphs (ii) and (iv) be deleted. Both are contrary-to-fact conditions that place the burden of any federal inaction entirely on the farmer." Of course, possible federal inaction is the very reason for the necessity of provincial action at all. "The result of this deletion would be that for all commodities not named under ASA 75, the Ontario government would, as it proposed to do in the earlier Bill 96, support all commodities between the actual average return received, including any federal stabilization payments and the Ontario stabilization price for that product."

In short, what the Federation of Agriculture has said is, we agree it would be far better to have a federal plan that covers all products, but there's no assurance that we're going to have that federal plan; therefore, we suggest that we should have an opportunity for comprehensive coverage, and they suggest this deletion which is going to define out certain items that may or may not be covered. They want them all defined in and it was their request which we are putting on the record

here, in the hope that the House will support it.

Do you want me to deal, Mr. Chairman, with the second portion of the amendment at the same time?

Mr. Acting Chairman: I understand we're dealing with both sections.

Mr. MacDonald: Both? All right. The second portion of the amendment, which proposes the deletion of section 6(1)(e) and the following substitution, is a very key one. Let me draw to your attention that when the minister introduced this bill, he stated, and I quote: "Prices and costs used in the Ontario formula will be the same as those used in the federal plan, and federal officials have assured us of their full co-operation in supplying any necessary technical data."

In other words, what this government has done is to piggyback their plan, with all its inadequacies, on the equally inadequate federal plan. They are going to be meshed completely except for the five per cent top-loading that this government is doing despite the warnings and threats from Gene Whelan in Ottawa.

It is interesting to note that on this point, too, the spokesmen for the Federation of Agriculture were very forthright. Peter Hannam told the standing committee, and I quote: "We regret that the Ontario government has fitted its own programme directly onto that of the federal government, even to the extent of using Canadian average prices and not cost calculations for Ontario products. This is a programme, after all, that Mr. Newman himself has repeatedly said is inadequate."

In short, what we are seeking in this amendment is that prices should be stabilized on the basis of true current costs, not on the basis of these national calculations that may or may not be valid for the province of Ontario or may or may not be applicable for the province of Ontario.

The second and an important point that is obviously a point of concern for the hon. member for Huron-Middlesex, is that to support prices at a 95 per cent level across the board may be too high. It may be an incentive level. Therefore, what this amendment suggests is as the OFA asked for—that it should be a support of up to 95 per cent.

Subsequently we are going to move an amendment which will give the farmers the mechanism for real negotiating capacity. In many instances it is quite possible that the farmers will want to negotiate a price that is below the 95 per cent.

Because, the main point that was made—I thought most convincingly and eloquently—before the standing committee of the Legislature, is that we want as flexible a plan as possible.

Hon. W. Newman: Hear, hear.

Mr. MacDonald: Well, if you want it as flexible as possible, you've got one that is bureaucratically structured now so that there's no flexibility in it at all. That's why I don't know what the significance of that "hear, hear" was across there.

Mr. Nixon: The minister indicated at the committee that that flexibility of up to 95 was already in the bill, did he not?

Mr. MacDonald: Was it?

Mr. Nixon: Sure he did.

Mr. Chairman: The member for York South has the floor.

Mr. Nixon: By the way, I think the first part of his amendment is out of order.

Mr. MacDonald: On this point, let me again put on the record the views of the Federation of Agriculture with regard to section 6, subsection 1(e):

"We are opposed to excluding all non-cash costs from consideration in adjusting the historical base price. As we said, the Ontario Ministry of Agriculture and Food intends to use cost data prepared by Agriculture Canada wherever they exist. This means that even the very real and major costs of machinery and equipment depreciation are excluded from consideration as well as some overhead items that are in fact cash costs within each year. Even more significant is the omission of the cost of the operator's labour and management work and the major part of the farm capital investment.

"The bill as proposed, even assuming responsible action by the federal government in all cases, would stabilize returns to the farmer's own labour and capital resources only in that his returns would not be much less than the previous five years. Clearly, in periods of rapid inflation, this will be of little if any assistance.

"We recommend that the phrase 'cash costs' be replaced by 'full cost of production, including the farm operator's labour, management work, and investment'."

That is what we are seeking to provide in this amendment.

Let me raise another point in this connection. They have me a little puzzled in the

standing committee. Suddenly the minister made a statement that perhaps he might be considering—and I notice that some of his top officials indicated that it was only a consideration, that it hadn't been a conclusion yet—that in addition to cash costs, you might do as you've done in the cow-calf plan and pay 70 per cent of a certain level of labour and investment. It's on the record in terms of the standing committee and I raise it now—

[4:15]

Hon. W. Newman: Read subsection 5.

Mr. Foulds: That's not what you said in committee.

Mr. MacDonald: I'm talking about what you said in committee. I admit that what you said in committee isn't in the bill and I have already noted that some of your own officials said that it isn't in the bill. Apparently it was in the back of the minister's mind—

Mr. Warner: It's a long way back.

Mr. MacDonald: —I'm wondering what flexibility, if any, has emerged in the minister's thinking that he chose at least to raise this, this little kite-flying effort, in the course of the committee hearings. Let me deal with the main concern expressed in the House particularly by the hon. member for Huron-Middlesex with regard to this. I think he's repeated it so many times and in doing that he's been standing four-square on the same ground with the minister. If you have this kind of a level of costs you're going to have incentive prices. The net result is you're going to be driven into some sort of a supply management situation and he is unhappy about supply management. The minister will agree that's the kind of thing he has been saying, going across the province and warning everybody ad nauseam.

Hon. W. Newman: It seemed to get to you.

Mr. MacDonald: I want to suggest that is not a real danger. I draw to your attention that section 6, subsection 5 notes: "Where, under a plan, in any year, the stabilization price exceeds the cost of production figure that is ascertained and prescribed by the commission, and which may be prescribed in the regulations, the stabilization price, for the purposes of section 4, shall be deemed to be equal to that cost of production figure."

Mr. Nixon: That's why your amendment isn't necessary.

Mr. Riddell: That's the very thing that makes your amendment redundant.

Hon. W. Newman: That's exactly right.

Mr. MacDonald: It doesn't make the amendment redundant because it simply means that you're going to meet at least what the farmers want. The question is the cost of production. What is the definition of cost of production?

You have put in a cash cost. That isn't what you did in the cow-calf plan. You had cash costs plus 70 per cent of other factors. What we have suggested in our amendment is that you should recognize these other costs.

As for the fear of supply management, I want to draw to the attention of the House what I thought was one of the most eloquent and able statements with regard to the whole sphere and role of supply management that I have ever read anywhere. I draw this particularly to the attention of the hon. member for Huron-Middlesex. You may be surprised as to where it came from.

Mr. Riddell: I am glad you read my speech so thoroughly.

Mr. MacDonald: No. It's not your speech.

Mr. Roy: You should read his speeches.

Interjections.

Mr. MacDonald: Listen to this, "We farmers spend a lot of time seeing we are free enterprisers. Some feel that controlled production takes us out of this category. We should ask those who have supply management now to set their own price and see what they would say. You will find that most of them will say that they are freer than they have ever been before.

First, they are free to produce without fear of overproduction. Second, they are free to be efficient and the more efficient they are the more money they make. Third, they are free to make a year's projections in cashflow without fear of a sudden drop in prices within the year. Fourth, they are free to borrow money without the bank manager saying, 'What if the price drops?' Fifth, they are free to plan for several years instead of six months. Sixth, they are free to make a planned expansion based on quota rather than to expand from an unknown market."

There is a magnificent example of how the freedom of farmers can be established by permitting them to have supply management. Who put that on the record?

Mr. Shore: Who?

Mr. MacDonald: The hon. member for Grey, Mr. McKessock.

Mr. Shore: Sit down there with Albert Roy.

Mr. Roy: You are in the House are you? Nice to see you.

Mr. MacDonald: I would suggest to you, Mr. Chairman, and I hesitate to put this to you too pointedly, that the hon. member for Grey—

Interjections.

Mr. MacDonald: —perhaps with your assistance, can sit down with the hon. member for Huron-Middlesex and let him know something of the function of supply management.

Mr. Shore: Right on.

Mr. Nixon: May I ask the hon. member a question?

Mr. MacDonald: Sure.

Mr. Nixon: Are you suggesting that my hon. colleague in his eloquent comments about supply management is suggesting that everything be supply managed? As a matter of fact, is the hon. member suggesting—

Mr. MacDonald: No.

Mr. Nixon: Of course you are.

Mr. MacDonald: Oh, no.

Mr. Acting Chairman: Order, please.

Mr. Nixon: Socialist Ontario. You want everything to be supply managed.

Interjections.

Mr. Acting Chairman: Order, please.

Mr. MacDonald: Supply management is a function that the farmers are developing because they recognize it can give them freedom. It is their choice. This is a voluntary plan.

Interjections.

Mr. MacDonald: It is their choice. And if I may say to the hon. member for Huron-Middlesex, he may be a dirt farmer but he's out of the mainstream of the farm community. The hon. member for Grey, who sat on the Federation of Agriculture, knows that most farmers—milk farmers, tobacco farmers, the new proposed chicken agency—all know that the only way in which they're going to have freedom is if they will have supply management.

Mr. Nixon: What about corn farmers and beef farmers and those growing cash crops—

Interjections.

Mr. MacDonald: All I want to say is that the—

Interjections.

Mr. Nixon: You have been ploughing that asphalt too long.

Mr. Roy: Pretty soon you guys are going to be courting corporations, going after those funds. Where is your conscience? Where are your principles?

Interjections.

Some hon. members: Albert, Albert.

Mr. Acting Chairman: Order, please.

Mr. Bain: Where is your manure spreader, Albert?

Interjections.

Mr. MacDonald: Let me conclude my remarks by giving a little account of a very interesting happening a week or so ago at the Ontario Federation of Agriculture convention. I don't think the member was there. I saw some of his colleagues there. It was a fascinating exercise.

When the election for the presidency arose, there was one man whose position on farm income and whose position on supply management is precisely the position of the agricultural critic in the Liberal Party. It's not surprising; he's a "big L" Liberal. He's a respected farmer—James McGuigan, the past president of the Ontario Fruit and Vegetable Growers' Association.

He'd been a member of the executive board of the federation and though he'd gone along with the whole federation's proposal, obviously he was very unhappy about it. So he presented himself as a presidential candidate and his comment was that the federation was moving out of the mainstream of western political thought with proposing this kind of a farm income stabilization plan.

An hon. member: Too far out.

Mr. MacDonald: He presented it very clearly for the delegates to choose. And do you know what they did? They defeated him as president. He ran for vice-president. They defeated him for second vice-president. Because I submit that those who raise these bogys about excessive incentive prices and deny the farmers the right to run their own show, to negotiate their prices and when and

if they see fit, voluntarily to develop supply management, those are the farmers who are in the mainstream and not the dirt farmer from Huron-Middlesex.

The Federation of Agriculture laid it right on the line—

Mr. Ruston: All farmers are dirt farmers, Donald. They're not asphalt like you.

Mr. Bain: Fortunately they don't have the views of the one from Huron-Middlesex.

Mr. Acting Chairman: Order please. The member for York South has the floor.

Mr. MacDonald: I have had the floor and I've had my say and I thank you.

Mr. Riddell: Thank goodness.

Interjections.

Mr. Riddell: Just a few brief comments—

Mr. Moffatt: Stop heckling your own member.

Mr. Riddell: —Mr. Chairman. Before you assumed the chair, we dealt with the member for York South's first amendment which was in effect endeavouring to give full protection to all commodities at the 95 per cent level. The former chairman ruled him out of order because it did involve an expenditure of money. I submit that by deleting section 6(1)(c) that in effect we're doing the same thing. We are talking about the expenditures of money because in effect what it is saying is that all commodities are to be supported at the 95 per cent level.

Mr. MacDonald: If Gene Whelan doesn't come in.

Mr. Ruston: It is recycling.

Mr. Riddell: So we've gone through that debate before and there's no need to go through it again. I really think that the member for York South would be lost for words if he didn't have the brief that was presented—

Mr. MacDonald: I wish you had it too.

Mr. Ruston: There are several hundred thousand farmers in Ontario.

Mr. Roy: Yes, you are lucky you can read.

Mr. Riddell: —at the standing committee by the president of the Ontario Federation of Agriculture.

Mr. Bain: You should learn from him some time.

An hon. member: I thought you supported it.

Mr. Riddell: Furthermore, if the member for York South has any spare time by the time of the next campaign, I wish he would come around with me when I call on my farmers and tell those farmers that they are going to be restricted as to the number of acres of corn they can produce, the number of acres of grain they can produce and the amount of beef they can produce. I defy him to go out and tell the farmers.

An hon. member: He won't.

Mr. Riddell: That's right. He'll try to have it both ways.

An hon member: He'll stay in York South.

Mr. MacDonald: Invite me down and I'll be glad to come.

Mr. Riddell: In connection with the second part of his amendment, he realizes that in some cases a 95 per cent support level would be incentive pricing. So he's asking that some of these commodities be supported up to 95 per cent level to avoid that type of thing.

I submit that that protection is given under section 6(5) which states: "Where, under a plan, in any year, the stabilization price exceeds a cost of production figure that is ascertained and prescribed by the commission, and which may be prescribed in the regulations, the stabilization price, for the purpose of subsection 4, shall be deemed to be equal to that cost of production figure."

In other words, to my way of thinking; this is the section which gives that kind of protection against overpricing of any commodity, which of course would lead then to incentive production. Just to repeat, I submit that by deleting section 6(1)(c) we are talking again about an expenditure of money and I feel that the member is out of order. Secondly, in order to assure ourselves that no commodity is going to be supported at an incentive level, that is covered under section 6(5).

Mr. Acting Chairman: I'd like to thank the member for Huron-Middlesex for drawing this to my attention. I wonder if any other members would have any comments.

Hon. W. Newman: I would just point out that like the first amendment that was made under section 1(c)(ii) this would entail more funds. It's very interesting to note that with regard to the article that you were talking about in Farm and Country, about some-

body condemning socialism, that person didn't make it for president, but I understand he's still on the board.

Mr. MacDonald: Who's that?

Hon. W. Newman: The chap that you mentioned in rather an uncomplimentary fashion today.

Mr. MacDonald: Who was that? Gordon Hill?

Hon. W. Newman: No. Don't you know who you were just talking about a couple of minutes ago?

Mr. MacDonald: He was appointed to the board because he is a respected farmer even though some of his views are ill-conceived.

Hon. W. Newman: In passing comment here, I'd like to comment on this amendment that was made here. I notice it said "reflect the true cost." I never know whether they're talking about true, cost, full cost, operating cost, cash cost or if you know what they really all are.

In order to read it into the record, I'll say it again. We're working out cash cost. Things that are normally included in cash costs are property tax on land and buildings used in field crop production; repairs and operating costs for farm machinery used in field crop production; items used to maintain or improve the productivity of lands used for field crop production, i.e., fertilizers, lime, pesticides, et cetera; repairs and operating costs of farm buildings used for field crop production; hydro and telephone services attributable to field crop production; hired labour; livestock cash crops; veterinary and medicine expenses; feed grains; protein supplement and minerals; property tax associated with livestock production; machinery and motor vehicle repair and operation; utilities, electricity and telephone; bedding; building and fence repairs and hired labour. Those are what are included in cash costs.

You can't talk about supply management on one hand, if necessary, but not supply management on the other hand, then come out and say we want supply management in everything. That's what you're saying.

Interjection.

Hon. W. Newman: Yes, you are. When you're talking about your costs, you're talking about supply management—

[4:30]

Mr. MacDonald: You don't understand it.

Hon. W. Newman: —whether you like it or don't like it. Yes, I have gone around this province because you were talking about the total full cost of production.

Mr. MacDonald: I am not.

Hon. W. Newman: Look at the record.

Mr. MacDonald: It can be negotiated.

Hon. W. Newman: No. Look at the record. If that is the sort of farming you want in this province, it's not the kind of farming I want in this province. We had some very good supply management programmes in this province and they are working very well but you know full well that supply management has to be on a national basis. It cannot be on a provincial basis. It just will not work.

Mr. Moffatt: Do you want supply management on a national basis?

Hon. W. Newman: I hope you understand that. I want to make sure that you had the record clear on that.

Interjections.

Hon. W. Newman: I maintain that these two amendments by the official opposition party would require more money—I think you would agree they would cost more money—which would be directly contrary to the principles of this bill. I would reject both of those amendments. It's your decision, Mr. Chairman, how you rule on it but because of the cost factor involved and because of the rules you read out earlier I really feel this is out of order. But that's up to you, sir.

Mr. Bain: You are out of order.

Mr. Acting Chairman: Are there any other members who wish to make comment on this point of order?

Mr. MacDonald: Yes, Mr. Chairman, I want to make two comments. Obviously, if we are going to be consistent the first part of this is out of order.

Interjection.

Mr. MacDonald: It means that the legal rules of this House are going to deny giving the farmers what they have asked for and need.

Mr. Nixon: The hon. member for York South is speaking more to the people he wants to send copies of his address to rather than to you and to the members of this House who are concerned with the rules.

Interjection.

Mr. Nixon: Whatever you rule, of course, we will abide by but I think the hon. member for York South has indicated that the thrust of his amendment would be the same as the one which was ruled out of order by the hon. member for Lake Nipigon (Mr. Stokes) who was in the chair at the time.

I do believe it is necessary to say something a bit further on the basis of the comments made by the member for York South in putting forward his amendment, which may or may not be in order. For him to imply that the members of this party are opposed to the supply management programmes in fluid milk and tobacco particularly—there are others, but those two particularly—of course, means that he does not concern himself with the truth of the traditions and the development of these programmes over many years in this province. I won't waste your time, Mr. Chairman, although I have every right to say what I choose to say about these matters, but it is obvious that only those products which are produced in this province to the exclusion of the rest of Canada can be supply managed in Ontario. Any attempt to do otherwise is disastrous.

It simply means that our farmers are kept down in their productive ability while their competitors in Quebec and Manitoba and BC and the Maritimes and elsewhere have a free thrust at it. For the member for York South to indicate anything other than that means that he does not understand the marketing problems faced by the farmers in Canada as opposed to the problems faced by the farmers in the province of Ontario.

For him to suggest that supply management—that is, independent of the government of Canada—should only take place in Ontario is completely irrelevant and erroneous and indicates a lack of understanding on his part.

Mr. Wildman: He didn't say that.

Mr. Nixon: We in the Liberal Party have supported the Milk Marketing Board and the Tobacco Board in their efforts. We believe that if we are going to establish a price basis as put forward by the member for York South we are going to establish incentive pricing which it is not possible to control by supply management in this province excluding the other provinces of Canada. His proposal really is not a workable one. I believe he is playing to the grandstand in this connection—

Mr. Bain: If anybody was grandstanding, it was you.

Mr. Nixon: I believe he is irresponsible and I believe he knows he is irresponsible when he puts forward that position.

Interjections.

Mr. Nixon: He wants to be third vice-president of the federation.

Mr. MacDonald: I might get elected.

Mr. Nixon: You might.

Mr. MacDonald: I am supporting their programme. That's better than the other one who got defeated.

Mr. Acting Chairman: Will the member for York South address the Chair, please?

Mr. MacDonald: Yes, Mr. Chairman. I am sorry; I obviously should be addressing you.

Mr. Ruston: You don't have to go to Essex North or Kent-Elgin; it is a waste of time.

Mr. MacDonald: I am not grandstanding in putting forward this amendment. This is an amendment which was sought by the Federation of Agriculture.

Mr. Nixon: Don't give us the baloney about the rules of the House restricting the democratic process. You play by the rules; go make your speech out front.

An hon. member: What baloney is he talking about?

Mr. Riddell: Get your soapbox out front.

Mr. MacDonald: Can you control them?

Mr. Acting Chairman: Order, please. The member for York South has the floor.

Mr. MacDonald: Very good.

Mr. Ruston: He knows the rules of the House as well as anybody does.

Mr. MacDonald: In the first section of it, I conceded that to be consistent, it would be out of order. I conceded. I don't concede the second part of this amendment in setting up this new approach to true costs. It is rather interesting here—

Mr. Shore: Are you running in a rural riding?

Mr. Nixon: Why not make a separate amendment? Make a separate amendment. It wouldn't be out of order.

Mr. MacDonald: It is separate.

Mr. Nixon: Soon to be minister.

Mr. MacDonald: Mr. Chairman, perhaps you should bring the hon. member for Brant-Oxford-Norfolk up to date. I pointed out there were two sections to the amendment. They should be dealt with separately. The first one is deletion of—

Mr. Nixon: Now you have got on to that, a new idea. You put two amendments at a time.

Mr. Breaugh: He always said that.

Mr. MacDonald: The chairman in the chair at that point indicated we could debate them together. We were to deal with them separately. I am now dealing with the second one.

The difference between us and the Liberals and Tories—

Mr. Kerrio: We already know; don't explain.

Mr. Nixon: You are a socialist and we are not.

Mr. MacDonald: —is that the farmers should have the right to negotiate a price level which will cover the costs they think are necessary, not that is going to be decided by God at Queen's Park, not by the bureaucrats at Queen's Park.

Mr. Eaton: They have that right now.

Mr. MacDonald: As was pointed out when we had a very interesting discussion in the standing committee, there may be some commodity that is struggling to survive or to get established in the province of Ontario where, in order to get it established, they will need what you might deem to be an incentive price at a 95 per cent level.

Mr. Shore: The member for Riverdale (Mr. Renwick) will straighten you out.

Mr. MacDonald: In another case of an established product, if you had a price at an incentive level you might get over-production. The farmers will have the choice to decide at what level they want to negotiate the price. If they negotiate it too high, they then will have the obligation to develop supply management of their own volition, just as they did in milk and just as the ydid in tobacco.

Mr. Nixon: That is grown elsewhere; it has got to be a national programme.

Mr. MacDonald: In short, the farmer should have the right to make the decision, not to have the bureaucrats in Ottawa with a formula that is irrelevant and doesn't apply to current costs, and not the bureaucrats at Queen's Park. The farmers of Ontario should have the right to make that decision.

They may decide that they want supply management to get all that freedom that the hon. member from Grey said they could get in other products in addition to milk and tobacco. That's why I would earnestly plead with the Liberals to support this amendment because this is what the Federation of Agriculture and the farm union seek.

Hon. W. Newman: I would just like to read part of a letter from the former president of the Ontario Federation of Agriculture which was read into the record before. I'm just going to read the first part:

"The executive of the Federation of Agriculture have studied with interest your legislation entitled 'The Farm Income Stabilization Act, 1976,' introduced by you in the Legislature, October 26, 1976. We wish to commend you for the several changes which you have made to your previous bill. The fact there are no commodities excluded, that plans will be contributory and voluntary for producers, that contributions will be on a one-third to two-thirds basis for producers and government, and that provision was made for federal government involvement, to us are positive improvements. The farmers of Ontario will be pleased with these changes."

Mr. MacDonald: Read his article from Farm and Country.

Hon. W. Newman: "We will certainly applaud them." They go on, to be quite honest, to talk about—

Mr. Roy: Who wrote that, Bill?

Hon. W. Newman: Pardon?

Mr. Roy: Who wrote that letter?

Hon. W. Newman: It is signed by Gordon L. Hill, president of the Ontario Federation of Agriculture.

Mr. MacDonald: That's right.

Mr. Warner: Read the rest of the letter.

Mr. Wildman: Read the rest of the letter.

Hon. W. Newman: It disturbs me no end that you have no faith over there in our commodity board, which represents 90 per

cent of the farmers in this province. This is what you are saying, in effect.

Mr. Wildman: Our commodity boards have done an excellent job and I have a great deal of faith in our commodity boards and the way they are representing and working with the farmers, and don't ever forget that they have done an excellent job.

I reject, of course, your amendment, whether you want to do it in one or two parts. The first part, of course, is out of order, at least I assume it is. But don't use the rules of the House because the purpose of this bill is to help the farm community in all commodities through difficult times; not to make incentive pricing, but to fill in the hollows in the bad years so they can get on the road and do a little bit of planning.

That's why we want this bill brought forward to help the farmers out of their difficult times so that they will be able to do some basic planning. That is the whole purpose of this bill. It is not to create incentive pricing down the road as you would have us do, and I think that's the distinction between the socialist point of view and our point of view here on this side of the House. I want the record to show that.

An hon. member: You are destroying the farmer.

Mr. MacDonald: Mr. Chairman, I want the record to show that the minister got up and read the first half of the letter—

Hon. W. Newman: I said it was only the first part.

Mr. Samis: He didn't want to read the second part.

Mr. MacDonald: That's right. He didn't read the second half which detailed the amendments that should be made, without which, said he in his article in Farm and Country, you won't likely spend a cent. Indeed the new head of the Federation of Agriculture, I repeat when he came in and presented the amendments, said, "Mr. Chairman and committee members, these are recommendations"—these amendments, including the one you have just condemned. He said, "We consider them necessary and by no means trivial and without them Bill 131 is worth little."

Mr. Warner: Right on.

Mr. Riddell: Just one comment, Mr. Chairman. I think it's interesting to note that the last edition of Farm and Country didn't have anything in it whatsoever on farm income stabilization.

Mr. Wildman: Because they consider it won't work.

Mr. Riddell: I am wondering if maybe some of the farm organizations and people in them have had second thoughts.

Mr. Wildman: Because they consider the bill worthless.

Mr. MacDonald: The member for Huron-Middlesex didn't have the guts to oppose it.

Mr. Warner: Is the minister going to resign?

Hon. W. Newman: Mr. Chairman, you may rule this out of order, but just for the edification of the official opposition—and I am referring now to their agricultural critic and one of their other people who is sitting on their front row from the riding of Peterborough, I believe—when I spoke to the Federation of Agriculture down there, that young lady was there and heard the reaction when that particular Federation of Agriculture representative got up and started to talk about stabilization. Somebody got up and made a speech: "We don't want incentive pricing and stabilization. We just want a bit of help." They almost got a standing ovation from that particular Federation of Agriculture and your own member for Peterborough was sitting there and heard that.

Mr. MacDonald: A minority view.

Ms. Sandeman: Mr. Chairman, if I may just speak to that point, perhaps the minister didn't hear the continuation of that speech—

Mr. MacDonald: He always gives only the first half.

Ms. Sandeman: —and speeches by other speakers on the same occasion who said, "Who needs this bill? We don't. We don't want it. It will be of no use to us."

Mr. Eaton: They don't want it. They don't want any plan, especially the NDP's.

Mr. Acting Chairman: The member for Ottawa East has the floor.

Mr. Davidson: The farmer from Osgoode Hall.

Mr. Roy: Mr. Chairman, just to speak on the point of order on the validity of the amendment. As I recall, your predecessor in the chair, the member for Lake Nipigon, I think treated both amendments as one so that

it would be difficult for you, Mr. Chairman, to split that amendment. I recall when the member for York South introduced it, I thought Mr. Chairman Stokes said it was going to be treated as one amendment. I think that was his ruling at the time. So to split it, I don't think would be proper. I just feel that having made that comment I should proceed further—because after all, I think there are as many farmers in my riding as in York South—

Mr. Bain: You're better at farming than you are at law.

Mr. Roy: —and just make a few comments about the sort of so-called flirtation of that party to the right with the farming community.

Mr. Kerrio: And the business corporations.

Mr. Roy: Yes, is there no end to their incestuous flirtations with certain segments of the public? What has happened to their principles? They are now flirting with the corporations. What's happened to you over there?

Mr. Samis: How about those films of Vanier?

Mr. Roy: Are you prepared to do anything for power?

Mr. Foulds: On a point of order, he is making a speech.

Mr. Acting Chairman: Order, order. Would the member for Ottawa East address his remarks to the amendment or the point of order?

Mr. Roy: They were being provocative.

I simply say that I think the member for Lake Nipigon, having ruled that this was one amendment, as I understood it—

Mr. MacDonald: He did not.

Mr. Roy: —it seems to me the amendment is clearly an amendment for expenditures of public funds and out of order.

[4:40]

Mr. MacDonald: Mr. Chairman, I rise on a point of order and this is a genuine point of order.

Interjections.

Mr. MacDonald: Mr. Chairman Stokes did not say this was one amendment. I drew attention when I read it that it included a deletion of 6(1)(c) with no replacement and a deletion of 6(1)(e) with a substitute. I said it involved two amendments and perhaps we should deal with them separately. Did he want us to debate them separately or not? He said we would debate them together but deal with them separately in the vote. It was a calculated misrepresentation that you made.

Mr. Roy: You said we will treat it as one.

Interjections.

Mr. Acting Chairman: Order. Could I ask the member for York South if he would like to withdraw the second part of the amendment and deal only with the first part of the amendment in my ruling?

Mr. MacDonald: No, Mr. Chairman. With respect, I'll withdraw the first part of the amendment because it is out of order. The second one stands.

Mr. Nixon: You say it is out of order?

Mr. MacDonald: It is out of order because it has been ruled out of order by the original ruling.

Interjections.

Mr. Reid: It's almost as bad as last night.

Mr. MacDonald: In short, Mr. Chairman, my amendment will be to strike out the first line—

Mr. Reid: Strike out the whole amendment.

Mr. Foulds: Strike out the member for Rainy River.

Mr. MacDonald: —that section 6(1)(e) be deleted and the following be substituted. That is my amendment.

Mr. Nixon: You are withdrawing the one that is out of order?

Mr. Acting Chairman: The member for York South has withdrawn the first part of the amendment. Is there any further discussion on the remaining part of the amendment?

An hon. member: Is it in order?

Mr. MacDonald: Sure it's in order.

Mr. Acting Chairman: Those in favour will please say "aye."

Those opposed will please say "nay."

In my opinion, the nays have it.

Will this be stacked?

Mr. Warner: We will test the coalition government again.

Mr. Nixon: It's an absolutely meaningless amendment.

On section 7:

Mr. Acting Chairman: Mr. MacDonald moves that section 7 be deleted and the following substituted therefor:

"The commission shall negotiate with a group of producers representative of general farm organizations and the producers of the commodity in question: one, the development of any plan; two, the revision of any plan; three; the base price; four, the cost-of-production index; five, the stabilization price; six, the payment of fees; seven, administrative procedures; and, in general, all the terms and conditions operative under any plan or plans."

Mr. MacDonald: Mr. Chairman, the reason we have suggested the existing section should be deleted and this be substituted for it is that the existing section is hopelessly inadequate in terms of providing the farmers with any meaningful role. It reads that the commission may—it is under no obligation— at any time consult with or conduct discussion with any local board.

As was pointed out once again by Peter Hannam on behalf of the OFA, there is no point in consultation if you haven't got some genuine capacity to negotiate. Too often this government consults and then goes back and does what it planned to do in the first instance and ignores the views of the farmers. That happened with the development of the cow-calf plan and it has done it in many other instances in relation to agriculture. What we want is an organization which will be the farmers' bargaining group, so to speak, which in turn can bargain with the farm income commission. It will be representative of general farm organizations and of the commodity group that will be involved in the development of any particular plan. And it will have these terms of reference which are spelled out in the amendment and a catch-all at the end for others that might have to come up for consideration.

Let me once again—because I feel this is a bit of an educational process—read for the benefit, in particular, of the hon. member for Huron-Middlesex, the comments that were made by the Federation of Agriculture representative before the standing committee in reference to section 7:

"We consider the government has not honoured the intent of the direction of the Legislative Assembly when, in June 1976, it passed the reasoned amendment that Bill 96 be redrafted to provide that the government will negotiate with a legally constituted farm spokesman."

If I just may interrupt myself in this quotation here, it was the Liberal amendment to our amendment that nailed that down. We accepted it because we thought it was a good addition.

Mr. Nixon: We think section 7 can be improved but it does refer to all the marketing boards. We don't think they are legally constituted.

Mr. MacDonald: Continuing the quotation from Peter Hannam: "In fact, however, section 5 and subsection 7 of Bill 96 already included almost identical provisions to section 7 of the present Bill 131. Therefore, the will of the Legislature must have been for something more than the authorization to consult if the commission so desires. The bill, as it stands, offers little scope for negotiating anything of any significance. The support level is set at a minuscule maximum that in itself makes the programme next to worthless. However, the amendments we have recommended to section 6(1)(c) and section 6(1)(e) would make this a very flexible programme"—Both of these have been voted down in this House already by the Liberals.

Mr. Nixon: They were declared out of order, I think.

Mr. MacDonald: But one was declared out of order and the other one was voted down by the Liberals in league with the Tories.

To continue: ". . . with good possibilities of being a significant contribution to Ontario agriculture. However, for it to work well would require that the commission would, as a regular matter, work with a negotiating committee established by the general farm organizations to develop the general provisions of the plan, to negotiate any disputed points and to secure the approval of this negotiating committee before instituting any plans.

"Details of any commodity plan shall be negotiated further with representatives from the pertinent commodity boards and associations. The negotiating procedure is necessary to prevent plans being instituted for politicial reasons alone, without real promise of assistance to the farm community.

"Moreover, it is only fair to give farm organizations, in effect, a veto power as farmers are to contribute directly one-third of the premiums of any plan. This provision in no way compromises the authority of the Minister of Agriculture and Food or the Ontario

Treasurer for without their express consent, no plan could be implemented."

In other words, what we are establishing is the capacity for genuine negotiations and you can't have genuine negotiations if the farmers haven't got an organization that is going to be representative of themselves.

In our amendment here we have deliberately not spelled out the exact structure of that organization. And, quite frankly, I've done it deliberately because you're going to get into some discussions, you're going to have to balance off some views, some of the kinds of views that the hon. member for Brant-Oxford-Norfolk was saying earlier, as to how do you balance one farm organization that has 25,000 or 30,000 members and another one that has 400 members? No matter who is the government, it has got to grasp that nettle at some point. It seems to me it would be appropriate that the details of the setting up of the negotiating committee on behalf of farmers can be left to be dealt with in regulations at some later point.

I was interested to note, for example, that in the second-reading debate there was a comment made, and I quote it: "Last year's amendment should have had a clause in it indicating that the government should come back with a plan based on cost of production, rather than the present proposal for a five-year average price. In this case, labour investment and depreciation costs could have been taken into consideration and the support price for any one commodity set at a level which would not encourage over-production. Costs used in Bill 131 are the same as those used in the federal plan and do not take into account the cost of the farmer's own labour, investment and depreciation."

Interestingly enough, that comment was made by the hon. member for Huron-Middlesex. He was pleading for a negotiating committeee which would be able to negotiate what only a moment ago he described as an incentive price.

Mr. Nixon: I think your amendment is awfully loose. You may have deliberately wanted to be flexible but you are almost meaningless in the first two lines of it.

Mr. Bain: Why are you so surly?

Mr. Nixon: It should be better. It should be a better amendment.

Mr. Foulds: Where are your tough-talking amendments?

Mr. Nixon: Right here. We have put them forward. You voted for them.

Interjections.

Mr. Roy: Not only are you bad farmers, you can't even—

Mr. Chairman: The hon. member for York South has the floor.

Mr. MacDonald: With the passage of this amendment, giving the farmers a meaningful role and a real negotiating capacity, for the first time we will have established the opportunity for farmers to participate in a genuine way in the development of a plan, in the operation of a plan or in negotiating a price.

As we now have it in this bill, what we are going to have is a bureaucracy at Queen's Park operating in accordance with the formula created by the bureaucracy in Ottawa and farmers aren't going to be in the picture at all. It will be a robot operation in which all they do is work it out according to the formula.

Mr. Nixon: Are you saying the marketing boards are robots? I thought you were supporting them.

Hon. W. Newman: That's what he is saying.

Mr. MacDonald: What we want is the farmers to have the capacity to negotiate the level which they think is appropriate for the product they are producing. I think they are in the best position to make a decision not the bureaucrats here or in Ottawa.

Mr. Riddell: Mr. Chairman, I don't know that we really take issue with the amendment as proposed by the member for York South although, as has already been indicated, it is rather a loose amendment and I think we should tighten it up.

Really, all the member has done is outline the various things the commission should take into consideration. Really he is questioning the intelligence of producer representatives or general farm organizations or commodity boards by going through the seven issues they are to take into consideration.

The amendment presently reads, "The commission may at any time"—and I agree it should be shall—"consult with or conduct such discussions with any local board under The Farm Products Marketing Act, any marketing board under The Milk Act, or any other organization or group of producers as the commission considers proper respecting the terms of any plan or proposed plan."

You can't tell me that any organization is going to consider the terms of any plan or proposed plan without taking into considera-

tion such things as the development of any plan, the revision of any plan, the base price, the cost-of-production index, et cetera. In other words, the NDP feels it has to outline definitely and specify exactly what the commission has to do.

Mr. MacDonald: No, it's the rights of farmers.

Mr. Riddell: I say that the commission, the farm organizations, the commodity boards and what have you certainly have the degree of intelligence to take these into consideration. They don't have to be told by you people what they are supposed to do.

I would like to amend the amendment in this fashion: The commission shall negotiate respecting any proposed plan or proposed amendment to a plan with any local board under The Farm Products Marketing Act or marketing board under The Milk Act affected thereby, and with the general farm organizations.

Mr. Philip: Shall or will?

Mr. Riddell: Shall.

I am sorry I haven't got this amendment written out. I had an amendment and I would like to read the amendment I had prior to the introduction of the amendment by the member for York South.

[5:00]

Mr. Chairman: Mr. Riddell, as an amendment to the amendment, moves that section 7 of the bill be struck out and the following inserted in lieu thereof:

7(1) The commission shall, respecting any proposed plan or proposed amendments to a plan, consult with

"(a) any local board under The Farm Products Marketing Act or marketing board under The Milk Act affected thereby:

"(b) the Christian Farmers' Federation;

"(c) the National Farmers' Union;

"(d) the Ontario Federation of Agriculture; and

"(e) such other organizations or groups of producers as the commission considers proper.

"(2) The failure or refusal to consult or continue consultation by any of the organizations referred to in clauses (a), (b), (c), (d) and (e) of subsection 1 does not affect the exercise by the commission or the Lieutenant Governor in Council of the powers contained in section 6."

That amendment to the amendment is before the committee now and we'll restrict our remarks to that amendment to the amendment.

Mr. Riddell: Mr. Chairman if the member for York South would sooner use the word "negotiate" than "consult," then I'm in agreement with that.

Mr. MacDonald: That's a fascinating comment, that the hon. member should suddenly discover or that for a fleeting moment he should have thought there was no difference between "consult" and "negotiate." I was just going to draw his attention to the fact—

Mr. Nixon: We haven't been raised at Cliff Pilkey's knee.

Mr. MacDonald: I have the floor. Just quit your yakking for a moment.

The reasoned amendment that the Liberals moved last June referred to "a voluntary and contributory basis, with the government negotiating with legally constituted farm spokesmen." It said "negotiating."

Mr. Nixon: Fine. There you are.

Mr. MacDonald: Right. Mr. Chairman—

Mr. Chairman: Is it understood then, in the amendment to the amendment moved by the hon. member for Huron-Middlesex, that in the third line he is changing the word "consult" to "negotiate"?

Hon. W. Newman: No.

Mr. Bain: The minister understands the difference in the two words.

Mr. Chairman: Go ahead.

Mr. MacDonald: I'm sorry. Where do we stand?

Mr. Bain: Yes or no?

Mr. MacDonald: Yes or no?

Mr. Riddell: Yes.

Mr. MacDonald: If I have the floor, then let me make a brief comment. The amendment the Liberals have made is contradictory. They now are willing to accept "negotiate," and they'll negotiate with these commodity groups or milk marketing boards and the Christian Farmers' Federation, the National Farmers' Union, the Ontario Federation of Agriculture and such other organizations. But after they have negotiated, having substituted "negotiate" for "consult," they say the commission can go on and do as it damn well pleases. The purpose of negotiations is that

you come to an agreement, a negotiated agreement.

Mr. Nixon: That's not so.

Mr. MacDonald: This is—forgive me for putting it—this is a Tory concept. After they have negotiated, the commission can go ahead and do as it pleases. That's the whole import of the second part of the member's clause. As a matter of fact, the second part of his amendment is a revelation of the kind of approach the Liberals were taking, which was in keeping with consultation. Now they've gone to negotiation. Part two of the member's amendment is redundant and contradictory and illogical.

Mr. Nixon: You're going to vote for it, eh?

Mr. Riddell: I would tend to disagree for this reason—

Hon. W. Newman: All right, I'll do that, Mr. Chairman. The amendment to the amendment is a matter of interpretation whether we consult or negotiate. I'm prepared to accept the original amendment which says "consult"—"shall consult"—because it's a matter of interpretation when you get down the road on negotiations. It's been pointed out very clearly here this afternoon that, speaking to the subamendment, negotiation to the official opposition means a completely different thing from the interpretation I think the Liberal Party is thinking of.

Mr. Nixon: Cliff Pilkey gives them their dictionary.

Hon. W. Newman: I think really, in order to keep it clarified, it's very clear in this subamendment from the Liberals, "the commission shall consult" and that's the intention, "shall consult," with the various commodity groups, the various farm organizations—

Mr. Chairman: That's not the wording of the amendment to the amendment.

Hon. W. Newman: No, the wording is "negotiate," right?

Mr. Chairman: Right.

Hon. W. Newman: I'm only speaking against the subamendment to say that I feel that in the original subamendment before it was subamended, or however you want to put it, they were using the word "consult" makes it much clearer that they shall consult. Therefore I would be against the word "negotiate" because of the misinterpretation of the meaning of negotiation.

Mr. Nixon: Mr. Chairman, on a point of order, if I may just quote to you from page 807 of the Concise Oxford Dictionary, "negotiate" means: "Confer (with another) with view to compromise or agreement," and that is precisely what we mean in the use of the word "negotiate." If one of these organizations or commodity groups fails to negotiate, then we're not going to have the programme held up because of that one particular organization. In other words, we're simply saying in the second part that if one of these organizations is contacted and we try to negotiate with it and it simply fails to negotiate, then by negotiating with other organizations in connection with that particular commodity, the programme can still go through. We just don't want one negotiating party to be holding the thing up.

Mr. Chairman: So that the committee can be absolutely sure of what we're talking about, does the member for Huron-Middlesex agree that in section 2 the word "consult" should be changed to "negotiate"?

Mr. Riddell: I would think to be consistent.

Mr. Chairman: It says, "The failure or refusal to consult or continue consultation by any of the organizations referred to." The Chair doesn't want to be placed in the position of drafting amendments, but in the interests of uniformity—

Mr. Riddell: Yes, I would agree. We can substitute the word "negotiate." "The failure or refusal to negotiate or continue negotiating by any of the organizations referred to."

Hon. W. Newman: Mr. Chairman, I would like to talk about the two amendments. First, the amendment by the opposition critic—

Mr. Chairman: We can only deal with the amendment to the amendment. We can only have one motion before the committee under discussion, so if you'll confine your remarks to the amendment to the amendment.

Mr. Bain: I'm a little surprised at the former leader of the Liberal Party—

Hon. Mr. Timbrell: That is the good Liberal research.

Mr. Bain: You talk about discussing something in terms that the average farmer will understand. Do you talk to your neighbours with a dictionary in your pocket? I would hope you don't.

Mr. Moffatt: He has to. Nobody can understand him.

Mr. Nixon: Just to you.

Mr. Bain: The minister realizes what "negotiate" means.

Mr. Chairman: Will the hon. member for Timiskaming address his remarks to the Chair?

Mr. Bain: I'd be more than pleased to do that, Mr. Chairman. The minister realizes, Mr. Chairman, full well what "negotiate" means.

Mr. MacDonald: Sure he does.

Mr. Bain: He doesn't need a dictionary and I don't think any of the rest of us do either. The minister already consults with the beef producers in making changes from year to year in the cow-calf programme, and you must admit, they're very good sessions of consultation.

Interjections.

Mr. Bain: He leaves no stone unturned, but when these consultations are finished, the minister makes the decision and that's what consulting is all about. You ask what you feel about it. I asked your opinion on something, but if I'm only consulting you I make the decision.

I would suggest to the farmers in the Liberal caucus that if they would like to sell beef to me or a good dairy cow and they are agreeable to consult with me and then I can set the price, I'd be happy to buy any stock they would be willing to sell me.

But if they say they are going to negotiate the price with me, they know full well there is a big difference between negotiating the price. We have to arrive at a mutually acceptable price through negotiations. That's what negotiation is all about.

Mr. Nixon: Then you will be able to vote for our amendment.

Mr. Bain: Consultation means nothing in terms of tangible changes in the bill.

Mr. Nixon: You are supporting the amendment.

Mr. Bain: I hope the Liberal Party will agree to maintain the word "negotiate" in their amendment. It means a world of difference. The only problem in their amendment then becomes subsection 2. When you negotiate you've got to come to some sort of mutually acceptable conclusion. Failure to arrive at that conclusion cannot allow the commission to go ahead on its merry way to set up the mechanism of farm income stabilization.

Mr. Nixon: That's not what the Act says.

Mr. Bain: Although I'm sure the agriculture critic for the Liberal Party, the hon. member for Huron-Middlesex, does not mean to give the government an out of this sort, I would think negotiations will be perfectly clear to the government and if you just remove subsection 2 that will make sure there's no loophole. As long as that section stays in there is a definite loophole. The government need not negotiate beyond a certain period of time. They can negotiate, but with that subsection in there, at some point in time they'll say, "Sorry, there's no agreement; the commission can't come to an agreement with the constituted farm organziations. Therefore the commission has the right to proceed and set up all the parameters and all the specifics of farm income stabilization."

So you can't have that subsection in there and have meaningful negotiations.

Mr. Nixon: Question.

Mr. MacDonald: Question.

Hon. W. Newman: Mr. Chairman, I would like to make the record very clear. As far as I am concerned, if you're going to leave the word "negotiate" in the subamendment, I would like to interpret it and make the record very clear that it's not in the same terminology as the opposition party would interpret it. I'm quite prepared to take the dictionary or the legal terminology to negotiate—

Mr. Bain: Oh, Bill, when did you hide behind the dictionary? Come on.

Hon. W. Newman: I'm quite prepared to take the legal definition of "negotiate," but I prefer, and I would ask—

Look, I just don't want to have a major hang-up in the House here over a word that I think is very, very important. I would much prefer that the sub-sub-amendment didn't carry and the sub-amendment did carry, because I think it makes it much clearer.

But certainly if necessary, I will support the—is it the sub-sub-amendment?

Mr. Nixon: No, sub-amendment.

Mr. Chairman: The amendment to the amendment.

Hon. W. Newman: The amendment to the amendment. So in other words, an amendment was made. Then there was an amendment made to that; then there was a further amendment made. Is that not correct?

Mr. Nixon: No.

Mr. Chairman: No. We're dealing specifically with the amendment to the amendment as proposed by the hon. member for Huron-Middlesex.

Hon. W. Newman: Yes. Well, the hon. member for Huron-Middlesex has put in the word negotiate. I have some reservations about it, but in the interest of getting the bill into place, and also in the interest of the fact that we mean to really get down and consult with them, but not negotiations in the way that the official opposition would see it.

Hon. Mr. Handleman: If you want to bring in collective bargaining, put it in.

Mr. MacDonald: We will not support the amendment to the amendment. We will not support it, because "negotiate" means "negotiate," and he is willing to support it because he's leading the members up the garden path, and I trust they are going to recognize it.

Mr. Evans: You wouldn't support anything.

Mr. MacDonald: If they want genuine negotiation, if they want negotiations that are at all meaningful negotiations, I draw the members' attention to the second section of the amendment—

Mr. Nixon: The member knows what the word means. I quoted him the meaning of the word.

Mr. MacDonald: —namely: "The failure or refusal to negotiate or continue negotiations by any of the organizations referred to in clauses (a), (b), (c), (d) and (e) of section 1, doesn't affect the exercise by the commission or the Lieutenant Governor of the powers contained in section 6."

In other words, if they can't negotiate something that is acceptable to the farmers, they go ahead and do what they please. It's stated right there in their amendment.

Mr. Nixon. All right.

Mr. MacDonald: And that isn't negotiation. We will oppose this amendment to the amendment.

[5:15]

Mr. Nixon: It appears that the amendment to the amendment is going to carry and I hope that it does because it's a good one.

Mr. Bain: Government members might vote with us.

Mr. Nixon: We have already put an amendment into the bill which establishes the commission by law with representation from the three recognized farm organizations. That has already been accepted by all parties so that when the member for York South talks about the bureaucratic robot of the minister, he doesn't know what he is talking about, because these people are going to be nominated by the farm organizations and then appointed by law by the minister. That commission is going to be responsive and knowledgeable about the farm situation.

We believe the minister's section as it is before us now is ineffectual because it says the commission may talk to various people. We also believe the amendment put forward by the NDP could have been better constructed. Certainly they changed "may" to "shall," which we think is a good thing but they just talk about a generalized group of farmers. Then they get very specific and say that generalized group of farmers must deal with all of these specific matters.

I believe my colleague from Huron-Middlesex has put forward a very valuable amendment indeed when he says the commission—we have already changed that so that the commission represents the farmers—must deal with those areas in the farm economy established under law, that is, the marketing boards and the representatives of the milk industry as well as the representatives of each of the farm organizations which he lists in turn. It is not restrictive. He says any other group may participate in those negotiations. I have read to you the meaning of the word "negotiate." Cliff Pilkey, the president of the Ontario Federation of Labour, might argue with the Webster dictionary but the meaning is there and it can be interpreted.

Mr. Bain: Webster?

Mr. Moffatt: You said Oxford earlier.

Mr. Philip: You are Americanizing us.

Mr Nixon: Not Webster, sorry; Oxford. We don't want the American but the Oxford dictionary.

Hon. Mr. Timbrell: Your research is falling down now.

Mr. Nixon: I would suggest to the members of the NDP that they would do well to support this amendment. We believe it will be effective in representing the valid interests of all concerned.

Mr. Roy: For once be on the right side.

Mr. MacDonald: I feel I must make some further comments. The observation was made by the spokesman from the Liberal Party that our amendment was loose. Just consider for a moment what is going to happen under the proposal of the Liberals. It says the commission "shall, respecting any proposed plan or proposed amendment to a plan, consult with." Now you have changed it to "negotiate." We see the difference between those words.

Mr. Nixon: That's why you should support it.

Mr. MacDonald: Whom are you going to consult with or negotiate with under your kind of consultation and your kind of negotiation, which is really consultation with any local board, including the milk board, then the Christian Farmers, then the National Farmers' Union, then the Federation of Agriculture and such other groups as you may draw in? Any time you are going to get a plan you are going to go out and get somebody representative of all these people and consult with them individually?

Mr. Nixon: You call a meeting for negotiation with those people, of course.

Mr. MacDonald: Collectively? Then after you have called that loosely gathered together meeting and have consulted, then under subsection 2, the commission can go back and exercise the powers it has under section 6 and do as it pleases. That isn't any kind of negotiation—Oxford dictionary, Webster dictionary or anything else. We will oppose this.

Mr. Nixon: While we are talking about loosely drawn amendments—and we believe ours is properly drawn—the one from the NDP which it is asking this House to support says the commission shall negotiate with a group of producers representative of a broad group.

Mr. MacDonald: That's right.

Mr. Nixon: Then they give them all the specific things they must discuss, which apparently excludes the matters the NDP has not put in that list. We believe the subamendment is one that could be of great value to the farmers and to the commission.

Mr. MacDonald: Again I am afraid I have got to correct the record here. We didn't exclude anything. If you read the last clause, we specified the specifics with which they can deal—

Mr. Roy: You are pretty touchy on that. Methinks you protest too much.

Mr. MacDonald: —and then in general all the terms and conditions operative under any plan or plans.

Mr. Nixon: Even the minister says he'll consider any plan or proposed plan. He is completely flexible in that regard.

Mr. MacDonald: If I may go back to my comments earlier, the commission in our amendment shall negotiate with a group of producers representative of general farm organizations and the producers of the commodities in question. I suggest to you that it may vary from group to group. Are you going to have the Christian Farmers in with regard to a commodity in a part of the province where they have no members involved in that commodity group? Is that what you're going to do?

Mr. Nixon: They will negotiate with the group made up of those representatives.

Mr. MacDonald: When I introduced the amendment I deliberately indicated that we had put it in general terms which would be clarified by regulation. We're going to have the guidance of experience and we will need that experience to find what is the best representative group involving general farm organizations and commodity groups. That is possible under our amendment and I think experience will indicate that is the best kind of approach.

Mr. Riddell: It may well be that the Christian Farmers would not care to negotiate if it is some commodity which does not in any way affect them or is not part of the area which they represent. That's their prerogative. If they don't wish to enter into negotiations, they don't have to.

The second part of this amendment simply says that if they or some commodity group don't care to negotiate, that doesn't mean the programme doesn't go ahead. There are certainly going to be producers of these commodities who do want to negotiate. Fine and dandy; if they are willing to sit down and negotiate, they can come up with some kind of a stabilization programme.

We're simply protecting ourselves by saying that if the Christian Farmers are approached to participate in the negotiations and they say, "No, we don't feel we want to because we don't happen to represent that particular area where the commodity is produced," fine and dandy, the programme will

still go ahead. This is all that the second part of that amendment does.

Hon. W. Newman: I'd like to point out that in subsection (2) I assume you have included the word "negotiate" instead of "consult"?

Mr. Riddell: Right.

Mr. Nixon: Yes.

Hon. W. Newman: So they are both the same? Fine. I don't have a copy.

Mr. Riddell: A good amendment.

Mr. Wildman: I didn't intend to participate in this debate but I find the last couple of exchanges among spokesmen for all three parties to be rather confusing largely because, I think, they are using the same word with very different meanings. It seems to me that the minister at first indicated that he thought there was a significant difference between the two words "negotiate" and "consult." At that time I agreed with him.

Mr. MacDonald: He was right.

Mr. Wildman: Then the member for Brant-Oxford-Norfolk read a definition out of a dictionary by which he tried to indicate that there really wasn't a great deal of difference between "negotiate" and "consult." I think the main problem is that we haven't yet dealt with the question of if it means "negotiate," is any agreement arrived at through the process of negotiation binding?

Is that what the Liberals mean by their amendment? If they mean that any agreement reached by negotiation between the representatives of the Ministry of Agriculture and Food and the various groups representing farmers and the commodity groups is binding, that would be acceptable but somehow I don't quite get that from what they're saying. They seem to be saying, "If they don't reach an agreement or if there's no desire to negotiate, there still could be a plan," which I find kind of difficult to understand. How can there be a plan if it requires negotiation to reach an agreement which is binding? If they don't reach an agreement, how can there be a plan? I don't understand that.

Interjection.

Mr. Wildman: Also there seems to be a problem in that among the groups listed there are some—at least one or two—which have already said they oppose this whole bill. I wonder how on earth you are going to have a negotiating session.

Mr. Nixon: The amendment clearly says if they don't want to participate the plan can go forward.

Mr. Wildman: It seems to me it would be a rather interesting negotiating session if you had representatives of the Christian Farmers, the union, the federation and a particular commodity group all sitting in a room, all with different ideas of what kind of plan they wanted or did not want, and they were supposed to negotiate. Rather than putting it in the bill, the argument as to who should represent the particular groups which are going to negotiate should be settled through regulation and through the study by the ministry and the various farm organizations involved.

That would be what I would think should involve consultation, and then negotiations should reach a final agreement. I can't understand at all how you could have negotiations which ended without reaching an agreement and still have a plan, if you believe that the negotiated agreement should be binding. If you don't have any agreement, how can you have a plan?

Mr. Nixon: That's right.

Mr. Roy: You should have followed your first idea not to participate.

Mr. Chairman: Are you ready for the question? The Chair is placed in the position of anticipating what might happen and I am thinking out loud here. The first question normally would be to put the amendment to the amendment as proposed by the hon. member for Huron-Middlesex. If that were to carry, the next question would be, does the amendment as amended carry? If I can anticipate the mood of the House, that would probably be defeated, in which case the only thing to be decided would be shall the section carry? That's not the mood of the House as I interpret it, so if there is unanimous agreement, I will put the amendment as proposed by Mr. MacDonald first.

Mr. Nixon: I would like to speak on the point that you bring forward. Normally, Mr. Chairman, as you pointed out, the amendment to the amendment would be put before the House first and I don't see why you could not proceed with that. If it were to be lost or carried, I don't think that the loss of an amendment to the amendment means that the motion is carried. I think that you would have to then proceed to the amendment. We discussed this last night it seems to me. It is only when an amendment is lost that the motion carries. Supposing you did put the amendment first and it might not carry, then

the motion would carry without our amendment being put forward. Yet our rules clearly call for an amendment to the amendment to be considered and I don't see you have any choice but to consider that first.

Mr. Chairman: No, I think the significance of the dilemma facing the Chair has escaped the hon. member. If I put the amendment to the amendment, I have a feeling that it would carry. Then I put the question before the committee; shall the amendment as amended carry? That would lose. Then you are right back to square one and the only question I should put before the committee is: Shall the section carry? So I have no alternative but to call the amendment first.

Mr. Bullbrook: May I just ask a question for my knowledge? Is my colleague from Brant-Oxford-Norfolk correct in anticipating that if the amendment doesn't carry, you then can't put forward the amendment to the amendment.

Mr. Chairman: If the amendment to the amendment doesn't carry, we are all right. If it does, we are in trouble.

Mr. MacDonald: We are in trouble.

Mr. Wildman: Let's forget about the whole thing.

Mr. Chairman: I see no alternative but to put the amendment as proposed by the hon. member for York South first. Do I have agreement on that?

Mr. Bullbrook: May I just rise for a moment? You certainly have my agreement once I understand it. Last night you were most indulgent with us going through the tremendous vagaries that we went through. I felt one of our problems last night was that many of the amendments were amendments to the original motion rather than amendments to the amendments. So if there is an understanding as to whether the second amendment constitutes an amendment to the motion or an amendment to the amendment, it seems to me that it relieves us of the dilemma which you feel you are in at the present time, Mr. Chairman. I just voice that for the sake of my clarification as to what's going on now and perhaps in the future we might remedy the problems we had last night.

Mr. Chairman: I think the Chair would have been better advised to have dealt with the motion proposed by the member for York South, and were it defeated, then to entertain another amendment. That wasn't the sequence of events and we are faced with this dilemma. So I am going to place Mr. MacDonald's amendment which says—

[5:30]

Hon. Mr. Auld: Mr. Chairman, may I ask on a point of order what the position will be if you put Mr. MacDonald's amendment and that is defeated?

Mr. Chairman: Then I will put before the committee the motion by Mr. Riddell.

Mr. Evans: The amendment to the amendment.

Mr. Chairman: That is right. Does anyone have any objection to that procedure? All right.

What you are asked to vote on is: Mr. MacDonald moves that section 7 of the bill be deleted and the following substituted therefor: "The commission shall negotiate with a group of producers representative of general farm organizations and the producers of the commodity in question; one, the development of any plan; two, the revision of any plan; three, the base price; four, the cost of production index; five, the stabilization price; six, the payment of fees; seven, administrative procedures and in general all terms and conditions operative under any plan or plans."

Those in favour will please say "aye."

Those opposed will please say "nay."

In my opinion, the nays have it.

I declare the motion defeated.

Shall we stack this?

Agreed.

Mr. Chairman: We are going to have to stand down Mr. Riddell's amendment until this issue is dealt with in the stacking at the end of consideration of the bill.

We are now dealing with any section subsequent to section 7.

Sections 8 to 16, inclusive, agreed to.

On section 17:

Mr. MacDonald: I just want to make a brief statement here. I was going to move an amendment in section 17 which would have read as follows, "This Act comes into force on the first day of February 1977," because I don't know why the government should have the privilege of drifting along for months and months. But quite frankly I would prefer they would drift now because they have failed to bring in all the amendments that the Federation of Agriculture

and the farm union sought, which they contended would be necessary to make this a worthwhile piece of legislation.

There is some prospect now that they are going to pass an amendment which I predict will bring utter confusion in terms of the negotiating process. It is loose, ill-defined and they don't know whether they are talking about consultation or negotiations. Whereas when it gets into effect they are going to be talking about only consultation and the commission will go ahead and do as they please and even be in a position to impose a plan on a group of farmers when they can't reach an agreement as to exactly what they want. This, I think, is a denial of all that they have been talking about.

Mr. Wildman: It is a denial of freedom.

Mr. MacDonald: They are now going to have government imposition on farmers. Therefore I'd just as soon that this bill never came into effect and I am willing to leave it with the government, so I shan't move my amendment. They can bring it into effect when they choose to proclaim it and the longer they leave it the better.

Mr. Nixon: You have voted against it in principle.

Mr. MacDonald: I voted against it in principle—

Mr. Nixon: We voted against it.

Mr. MacDonald: —for precisely the same reason as Peter Hannam told the committee that without the amendment the bill is next to worthless.

Mr. Wildman: It is Liberal-Tory authoritarianism.

An hon. member: Quit crying.

Mr. MacDonald: I'm not crying.

Mr. Bain: Somebody's got to stand up for the farmers.

Mr. MacDonald: You will be crying when you have to deal with it.

Mr. Chairman: The hon. minister has the floor.

Hon. W. Newman: I don't know whether I am talking to an amendment or not, but I certainly would like to talk about—

Mr. MacDonald: There is no amendment.

Hon. W. Newman: Then I am going to talk about your proposed amendment. This whole programme is voluntary, contributory and has farmer participation. I said the commission was made up mainly of producers of this province and you are trying to tell me you aren't in favour of any sort of a programme to help these farmers of the province. If you don't want it then you vote against it.

Mr. Bain: We will be proud to vote against this shabby bill. It's a fraud.

Hon. W. Newman: Oh yes. You don't know much about farming.

Section 17 agreed to.

Section 18 agreed to.

The committee divided on Mr. MacDonald's amendment to section 6(1)(e), which was negatived on the following vote:

Ayes 30; nays 72.

Section 6 agreed to.

The committee divided on Mr. MacDonald's amendment to section 7, which was negatived on the same vote.

The committee divided on Mr. Riddell's amendment to section 7, which was approved on the same vote reversed.

Section 7, as amended, agreed to.

Bill 131, as amended, reported.

On motion by Hon. Mr. Welch, the committee of the whole House reported one bill with certain amendments.

THIRD READING

Hon. W. Newman moved third reading of Bill 131, An Act respecting Farm Income Stabilization.

Mr. Speaker: Those in favour will please say "aye."

Those opposed will please say "nay."

In my opinion, the ayes have it.

Motion agreed to.

The House recessed at 6:05 p. m.

APPENDIX

Standing Resources Development Committee

TUESDAY, DECEMBER 14, 1976

The committee met at 10:10 a.m.

THE WORKMEN'S COMPENSATION BOARD

Mr. Chairman: We will call the meeting to order. Mr. Starr would like to make a statement at the beginning of the meeting.

Mr. Starr: Mr. Chairman, Madam Minister, ladies and gentlemen of the committee: First of all, may I take the privilege of introducing to you our corporate board. At the last meeting we were only five, but the Act provides for seven and we now have two additional members, which completes our corporate board in the number of seven. There is Mr. MacDonald, Vice-Chairman of Administration, next to me; Kenneth Harding is our Secretary; then there is William Reed, he is Vice-Chairman of Appeals. There is Mr. Decker, he is Commissioner of Appeals and a member of the board. Mr. Hamilton is a member of the board, Dr. Jacobs is a member of the board and Mr. Godin a member of the board. That completes our full board as provided for under the Act.

With us also, to answer any technical questions, are executive directors: Mr. Kerr, of Claims Services, Mr. Sweeney, of Administrative Resources, Mr. Greaves, of Financial and Legal Services; and along with him from the Finance Department is Mr. John Neal. We expect Dr. McCracken, head of our Rehabilitation Services, to be here momentarily.

Mr. Chairman, Madam Minister and ladies and gentlemen of the committee: Having filed this annual report for 1975, the board is pleased to attend before your committee to provide information and to answer questions concerning the administration of The Workmen's Compensation Act since our last attendance here about a year ago.

In my view, the past year has been a year of consolidation and accomplishment. Following the major changes in the past several years, I think we have now turned the corner and are building a stronger, better and more responsive organization along the lines which were proposed by the task force in 1973. We have not run out of critics or criticism, nor do we expect to. Constructive and objective criticism is useful in focusing our attention on areas of need and in reassessing our priorities. However, I think that we have reached a kind of balance in the criticisms that we hear. Representatives of industry are now expressing vocal concern about the liberality of our decisions and our expenditures—

Mrs. Campbell: Oh no.

Mr. Starr: —just as vehemently as those who are speaking for workers complain from other viewpoints on the same subjects. While recommendations of worker groups are for broader benefits and greater latitudes, the position of industry is that with a current unfunded liability of approximately $400 million, which by itself will require continuing substantial increases in assessment rates for several years, there is a substantial economic risk to the province if the kind of changes experienced in the past few years continue. Industry argues that the policy of giving the benefit of reasonable doubt is carried to unreasonable extremes and that current compensation levels have removed the incentives for some workmen toward rehabilitation and return to work.

There has been some public debate as to what benefit of reasonable doubt really means. A newspaper reported that the Leader of the Opposition (Mr. Lewis) called the board's policy balderdash. On the other hand, Gerry Gallagher, a leader in the labour union movement with 25 years' experience of workmen's compensation claims, told the same newspaper that in his experienec the majority of claims are established on the benefit of doubt and many are established by simple phone calls. The fact is that the principle of reasonable doubt is a long standing policy at the board and that without it the need to obtain absolute proof in hundreds of thousands of cases would create an insurmountable adjudicative problem.

Where there are no eyewitnesses, where there are delays in relating a reported disability to an industrial cause, we must weigh the probabilities and make decisions of those probabilities for which the evidence and inferences are strongest.

In 1975 the board dealt with 395,528 new claims.

[10:15]

Mr. Mancini: Would you please repeat that? I'm sorry, Mr. Chairman.

Mr. Starr: There were 395,528 new claims.

Mr. Mancini: In 1975?

Mr. Starr: In 1975. We have, already this year, received 398,086 new claims in 1976 to the end of November, an increase of some

11.4 per cent. The forecast for the year is approximately 427,000, with a projected increase of three per cent in 1977.

In every year, of course, there are thousands of claims from prior years which require continuing attention and service. Our experience is that the longer a man is disabled, the greater the difficulties in treatment and rehabilitation will be. For this reason, long-term disabilities are managed by a more senior and experienced group of claims staff.

The cost of compensation claims continues to rise. Part of this trend is due to legislative benefit increases in prior years, particularly those that had retrospective features and part is due to the impact of inflation. But it is also a fact that the average length of disability has risen from 26.8 days in 1973 to 33.2 days in 1975. Now I'm not suggesting that there is an increase in fraudulent abuse or malingering, but I would suspect that attitudes toward work and social benefit systems, such as compensation and unemployment insurance, have changed in recent years and that today's benefit levels have reduced the economic pressures of earlier times.

The reality is that each increase of one day in the average length of disability adds several millions of dollars to our expenditures and decreases the earnings on which our income is based. This may also be a factor in the unfunded liabilities which are of great concern to industry.

Although we initially considered that a 35 per cent increase in assessments on industry was necessary in 1976, we eventually set the average at 22 per cent. Our 1977 rates will average a further 13 per cent higher than in 1976 and we anticipate additional similar increases in each of the next few years.

In the light of these substantial increases in assessments based on the volume of benefits paid out by the board, it is difficult to accept some of the criticism of the board to the effect that we are denying or restricting workmen's rights under the legislation.

When I became Chairman of the Workmen's Compensation Board in 1973, one of the criticisms was that the board should not take pride in the low administrative costs if it wasn't doing all that it should for those it is in business to serve. It has taken time to hire and train a great many new people to provide the levels and kinds of service required. In some areas we are still hiring and training to meet the demand for more and better services and to develop the levels of expertise which we need. We have achieved a great deal already and we are pushing for more.

We have opened new area offices in London and in Hamilton, and we now make regular visits to a great many more cities and towns in the province than ever before. We haven't opened new offices in every city in which we have been asked to do so. We simply do not have the resources to spare for the full-time offices in places in which the current volume does not warrant it. We have had to say no at this time to requests for offices in several locations, including the large industrial centres of Oshawa and Sault Ste. Marie.

The reality facing the board is that we can only extend our services when we have both the justification and the trained people to provide an expert and quality service and that such requests should be evaluated on this basis.

We have decentralized a number of our operations and we have achieved greater levels of service as a result. We believe this is the more effective way of providing useful services over the largest area at this time.

As a matter of record, board staff are now providing regular services, based on volume, in Sarnia, Cornwall, Kirkland Lake, Timmins, New Liskeard, Cochrane, Kapuskasing, Hearst, Wawa, Atikokan, Fort Frances, Kenora, Red Lake, Dryden, Elliot Lake and Sault Ste. Marie; in addition to the major centres where we have full-time offices.

We also have two full-time information offices in Toronto. I was very pleased indeed to receive a very complimentary letter from Mrs. Ursula Appolloni MP, telling me of the courteous, efficient and sympathetic service her staff and constituents received.

Mr. Lewis: You wouldn't have got that from the previous incumbent.

Mr. Starr: I think I would have, because I know your dad very well and he is very courteous and realistic.

Mr. Lewis: He is courteous, but I know how he feels about the board.

Mr. Starr: Each of our new offices is now hooked into our head office computer to speed up and simplify servicing inquiries. About 30 per cent of all inquiries at area offices are now answered almost immediately from information obtained through these units. We have also initiated a pilot project at head office for the Sudbury and North Bay areas, by channeling all new claims

from those locations into two sections at the Toronto office so that we may determine the merits of a geographical allocation of claims at head office.

To give you an idea what this expansion has required, our area offices in 1973 employed a total of less than 50 people while this year the claims and the revenue staff alone outside Toronto totals 158. Our vocational rehabilitation service has been expanded from 96 to 156 in the same period to provide higher levels of service on a decentralized basis. Even so, our rehabilitation counsellors still have very high case loads of almost 100 per man, and the total case load has increased by 24 per cent in 1975 and a further 21 per cent plus in 1976.

Part of this increase is, of course, related to the 1974 amendment which provides for full compensation to temporarily partially disabled workers whose employers cannot provide suitable work when they are medically ready to undertake it. Our counsellors work with the man and his employer or other employers in order to help arrange suitable employment, but this is not an easy prospect at a time of high unemployment and economic constraint. We have also made substantial improvements in our appeal process, reducing the time it takes to get to an appeal board hearing and eliminating unnecessary preliminary inquiries where possible. There have been significant reductions in the number of cases in which inquiries need to be held without any dilution in the quality of the process.

Despite an increase in work load at the appeal board level, the time lag between the hearing and the decision has been reduced from 43.9 days in September, 1975, to 29.9 days. We do have some delays in scheduling and we are trying to overcome them, but one of the major causative factors is requests for postponement, 83 per cent of which are made by the claimant or his representative. At the inquiry level, between 20 and 33 per cent of scheduled inquiries are postponed and at the appeal board level for every 100 hearings held there are 60 postponements. We are still reviewing our appeals process to find ways and means of simplifying it and reducing the time factors, but there's no doubt that the elimination of cancellations would be the greatest single improvement if that could be achieved.

There are no easy or instant solutions to the very difficult problems which occur in the increasingly complex world of workmen's compensation. If there were, then I'm sure that other compensation jurisdictions would also have found them, but that is not often the case. The Ontario board's policy on gastro-intestinal cancer and its rehabilitation programme in Elliot Lake are the first of their kind and reflect this board's willingness to move forward on an innovative basis. However, the board cannot assume the exclusive responsibility for researching the root causes of all diseases for which the origins are currently unknown. Nor can we accept claims simply on the basis that in the absence of any evidence of causality or otherwise the mere possibility that an industrial relationship could exist should be sufficient to grant entitlement.

Where the board finds it reasonable to believe that there may be a probability of relationship we will seek the advice of experts and, on the basis of their professional studies and opinions, we will assess our position and make decisions in a responsible manner.

We have made some notable advances in the area of industrial disease coverage in the past year. This is probably the most complex matter to face the board and we have broken new ground in developing policies which other jurisdictions are now studying with great interest.

I have learned that in the field of medical analysis and the delineation of statistical probabilities, patience is a virtue. It would indeed have been more satisfying to me personally to be able to leap intuitively to instant and accurate conclusions.

Mr. Lewis: Better your intuition than divination by your scientists.

Mr. Starr: But second guessing the professional experts is a luxury that as Chairman of the Workmen's Compensation Board I cannot afford.

Mr. Lewis: Then you should allow it.

[10:30]

Mr. Starr: While it is disconcertingly difficult to restrain my instinctive desire to respond to every presumptive allegation or speculative assertion, I believe it is more responsible to wait until the facts are known and then state the board's position clearly.

When our gastro-intestinal cancer analysis was complete and our decisions reached, it was indeed comforting to learn that the Leader of the Opposition had expressed complete agreement with the board's allowance of only one of the three cases about which there had been so much previous published speculation.

I understand that it is a statistical fact that of every three cases that would satisfy the

board's new criteria, one would have occurred without industrial exposure. The benefit of reasonable doubt based on the balance of probabilities enables all three to be allowed under the policy rather than rejecting all three because of the absence of absolute proof as to which do and which do not result from industrial exposure.

Ladies and gentlemen, we do not live in a perfect society where everything happens for the best. We live in a real world with the reality of its imperfections.

Mrs. Campbell: You can say that again.

Mr. Starr: The Workmen's Compensation Board is not perfect—

Mr. Lewis: No.

Mr. Starr: —but it is much better than it is often given credit for. While comparisons with other jurisdictions are not a substitute for meeting our own high standards, in fact we do compare very well. We have experienced a climate of rising expectations in which the board's performance tends often to be measured against idealistic standards. It seems to me that this is not realistic and that the board's activities should be evaluated on a more practical basis within the realm of what is possible and what is reasonable to expect, given the constraints of the availability of people, expertise and money and the need to set priorities for the use of scarce resources.

Our organization has dealt effectively with almost 400,000 claims this year. We have paid out some $300 million in benefits in the first 10 months of 1976, an increase of 27.8 per cent over 1975.

Our organization will provide courteous, efficient and sympathetic services to close to 430,000 injured people in Ontario in 1977. We do not expect to do this without difficulty, without problems or without complaint, but we certainly will do our best to minimize them.

Mr. Chairman, ladies and gentlemen, I'm pleased to be here with my colleagues to talk to you about our work, to answer your questions simply and directly and to assure you that the Ontario Workmen's Compensation Board is a responsible, responsive agency which is providing an essential service to the people of our province. Thank you.

Mr. Chairman: We'll continue as we have in the past by alternating speakers. I understand that Mr. Lupusella is the leadoff speaker for the NDP followed by Mr. O'Neil for the Liberal Party.

Mr. Haggerty: Mr. Chairman, before we start I think we better try to set some ground rules here. I noticed a member come in with a stack of claims there. Are we going to go through them dealing with case after case, or are we going to use one for an example or something like that instead of going through an armful? Maybe he could speak for two or three hours or something like that. Our time is limited.

Mr. O'Neil: Yes, put on some time limit so that everybody can have a chance to be heard.

Mr. Lupusella: Mr. Chairman, my personal opinion is that in the leadoff speech, the official statement from each party, we should have an opportunity to use examples as a proof of criticism as well. Maybe when the leadoff speech is over, I think we could set up some rules about the proceeding of the committee if it is agreed on by everybody.

Mr. Haggerty: How long are you going to be? Are you going to be two hours in your leadoff speech, or three hours?

Mr. Lupusella: No, no; I don't think so.

Mr. Haggerty: Give us a time. That's what I'm trying to get at.

Mr. Lewis: Just a second. We have never suddenly put these constraints on before.

Mrs. Campbell: I think the problem is that we as Liberals sat here and waited. We asked to be on the list, there wasn't a New Democrat in the room; and now we're back to this business of alternating when we have been here sitting ready to proceed, and I think that is rather ignored in our position.

Mr. Lewis: I gather the chairman of the board started speaking—when, at around 10:15?

Mrs. Campbell: Yes, we were waiting for someone from the New Democratic Party to arrive.

Mr. Lewis: I appreciate that. I just want to suggest—can I ask the Chair and the minister what the likely timetabling of this committee will be? Can we take two minutes on that now?

Hon. B. Stephenson: We have, Mr. Chairman, to my knowledge, the period between 10 and 12 today, from 3 to 6 and from 8 to 10:30. I have some real problems tomorrow, I have to tell you, if there was an intention to continue tomorrow, because I have commitments for tomorrow morning; I

have a funeral and I have also another commitment for tomorrow afternoon which is going to be extremely difficult to get out of. However, if it's possible that you could hold the hearings, they will be recorded by Hansard, I will have an opportunity to read them.

Mr. Lewis: I was going to say, Madam Minister, where you have a conflict which you can't escape from is it mandatory that you be here?

Hon. B. Stephenson: That I don't know, to tell you the truth. I gather that it's traditional that the minister will be here, but I'm not sure that it's mandatory.

Mr. Lewis: It is traditional.

Mr. Maeck: I would suspect, Madam Minister, that if the committee agreed to your absence and to go ahead with the hearings, I don't think there would be anything wrong with that whatsoever.

Mr. Lewis: Our problem is that otherwise, even though we passed a special resolution in the House that the board comes before the committee exclusive of other matters, we'd be terribly confined; and to think of doing the Workmen's Compensation Board in one day is ludicrous.

Mr. Maeck: Of course, Mr. Lewis, there is Thursday to think about.

Mr. Lewis: Yes, I'm keeping that in mind. I'm just thinking that if we had today and tomorrow we might not need Thursday, or we would have Thursday to tie up loose ends. I'd hate to shove us to the last day of the session where we would be in conflict with the budget windups and everything else. That would be very difficult for members.

Hon. B. Stephenson: The original agreement, Mr. Chairman, that I gathered was reached by the House leaders, was that indeed there would be two days.

Mr. Maeck: As Mr. Lewis has suggested it could be run over to Thursday. It wasn't a final agreement that it would be two days only. I happen to have attended that particular meeting. However, this party would have no objections to your absence tomorrow if the other parties would agree; it's up to them. What would you say about that?

Mr. Lewis: Sure, we'd agree; surely.

Mr. Haggerty: No problem.

Mr. Maeck: That would probably solve the problem?

Hon. B. Stephenson: Thank you; yes, it would.

Mr. Lewis: That may solve the problem of being a little panicky about the time too, we will have the two full days with the option of coming back if we need it.

Mr. Chairman: I think in all fairness though that the two leadoff speakers should be able to divide the time this morning, because we have an hour and a half to share. Mr. Lupusella.

Mr. Lupusella: Mr. Chairman, let me make a comment. I think from now on, and for the future, the business and the problems of the Workmen's Compensation Board which affect the injured workers in our province need more priority and I don't think we can process their estimates in just two days. I hope Madam Minister in the future will take into consideration instead of two or three days having five days.

Hon. B. Stephenson: Mr. Chairman, if I might, we are not examining the estimates of the Workmen's Compensation Board, that is not the role of this committee. It is the role of this committee to examine the function of the Workmen's Compensation Board on the basis of their annual report.

Mr. Lupusella: It's the same thing.

Hon. B. Stephenson: That's much more important than the estimates.

Mr. Lupusella: It's the same thing; you're mentioning a technicality. In the Legislature I mentioned the budget of the Workmen's Compensation Board and you have been saying that we are going to deal with that in estimates, and today we don't deal with estimates. Then what are we dealing with, the report from the Workmen's Compensation Board?

Hon. B. Stephenson: If I may, Mr. Chairman, I have never used the word estimates related to the Workmen's Compensation Board. It was my understanding that that has never been the purpose for this meeting.

Mr. Lupusella: Okay. I don't want to be provocative, Mr. Chairman, but later on I'm going to provide evidence that in the Legislature the minister mentioned estimates because I used the word budget.

Mr. Lewis: Mr. Chairman, before my colleague begins, on a point of order: He may well be able to do it in the time that has been indicated, but it is without precedent

that the Chair should make a ruling about times on opening statements.

I'm not going to be party to trapping us into confining our observations about this board, about which we feel very strongly let me tell you; and let me convey through the Chair to Mr. Starr we are not pacified by the opening statement. We have things to say and this is our job as legislators and we're going to take the time to say it. If we have to ask the Legislature for an extended hearing into Thursday and beyond, we will ask it. I don't think that we should start by confining members in their observations. This is a leadoff statement on behalf of a party.

Mr. Chairman: I don't think we have to ask the Legislature for an extension into Thursday. I think that's a matter for us. We can meet on Thursday.

Mr. Lewis: We want to give to it the substance which we attribute to the board. This isn't some trifle, darn it all; we're dealing with the lives of workers and we're not going to be harassed into confining it into one or two days if it's necessary to go beyond. So please let the leadoff speeches be made. If they appear to be too lengthy, let's deal with it when that happens, but let's not judge in advance. Whatever the critics want to take, let them take.

Mr. Chairman: I think it's only fair that each opposition party should divide the time.

Mr. Lewis: Well it's interesting that the Chair suddenly construes fairness. It's the first committee that I can remember where leadoffs were suddenly under the gun. And that's because we're doing what we always do; we shove the board into the last hour of the session in the hope that it doesn't get the notice it deserves. We're tired of that, frankly.

Mr. Maeck: Mr. Chairman, that's what—

Interjections.

Mr. Lewis: Well look—every year we pass WCB legislation—

Mr. Chairman: Order.

Mr. Maeck: That isn't the case this year. There was an agreement between your House leader and ours.

Mr. Lewis: Well what alternative did Ian Deans have? We have no time.

Mr. Maeck: He made no alternative.

Mr. Lewis: We have no other time. You have the legislation—

Mr. Maeck: So blame it all on the Conservatives or the Liberals.

Mr. Lewis: Well I'm not blaming it on—

Mr. Maeck: Your people were party to the agreement.

Mr. Lewis: I'm not blaming it on anyone. I'm simply pointing out to you that circumstances always shove the Workmen's Compensation Board right into the last minute of the session; and that's terribly frustrating for the members who have a lot to deal with. I want to appeal that we give it as much time as possible.

Mr. Maeck: Fine. I have no objection to that.

Mr. Lewis: That's all. I don't deny the agreement.

Mr. Haggerty: Mr. Chairman, I raised the point because I wanted to see that everybody had ample time to express their views.

Mr. Lewis: Precisely.

Mr. Haggerty: We weren't going to have one person or two persons speak for two and a half hours or something like that. There are other persons who want to speak; it's rather an important matter concerning almost everybody in the province of Ontario and I just want to make sure that everybody has ample time to speak on some of the issues that will be raised here during the estimates.

Mr. O'Neil: The thing is if there is a rotation of time, if your man is given 45 minutes or an hour to start off with he can always come in after in the rotation.

Mr. Lewis: We won't fight with you on rotation of time. I just didn't want to get us into the box.

Mr. O'Neil: But the thing is that the leadoff could take a lot of time and we've run into this problem with other estimates before other committees.

Mr. Lewis: Then you're welcome to take time afterwards. I wouldn't restrict you, as Liberal leadoff critic, for a moment; I think that's your job. I don't want the time constraints overall to start intruding on our right to look at these estimates. These are some of the most important estimates, effectively, that have come before the House. Forgive my using the term. I'm sorry, Mr.

Chairman, I'll see you in St. Thomas.

Mr. Chairman: Mr. Lupusella.

Mr. Lupusella: Thank you very much, Mr. Chairman. I wasn't here at the beginning of the official statement of the Chairman of the Workmen's Compensation Board. I hope that the statement which he made about Ursula Appollini is true, because I don't get the same treatment from the Workmen's Compensation Board in my dealings with officials of the Workmen's Compensation Board. I have noticed since last year, 1975, when we were down here to discuss the activities of the Workmen's Compensation Board, a terrible delay with regard to appeals, phone calls made to the Workmen's Compensation Board; and I have great difficulty in dealing with the rehabilitation department, which in my opinion is a terrible disaster.

[10:45]

You have mentioned in your statement as well that you have been enlarging the activities and the functions of the Workmen's Compensation Board around the province. Let me read to you a letter which I received August 5, 1976, from a United Steelworkers of America local located in Sault Ste. Marie. "From January 1, 1976, to August 3, 1976, this office made 135 long distance calls to the Workmen's Compensation Board. Since June 1, 1976, when the chairman of the compensation, safety and health committee of the United Steelworkers of America took office there have been 178 people in to see me about compensation. In the same period I wrote between 55 and 60 letters to the Workmen's Compensation Board.

"I would like to be able to put down in figures the number of phone calls this office handles daily concerning people seeking information about workmen's compensation. Although we don't keep a complete record of this, I would say we average five or six local calls each day regarding compensation. I would like to add that since January 1, 1976, we have obtained for the people in this area $171,873 in awards, and $2,784 in monthly payments.

"Local 2251 of the United Steelworkers of America, being the only local between Elliot Lake and Wawa, Ontario, with a full-time member working on compensation and serving all these people find out that it would be most advantageous to have a permanent compensation office here in Sault Ste. Marie. By this we don't mean an information centre, but a fully staffed office that can make decisions and adjudicate claims." I don't know if since August 5, 1976, the service which the Chairman of the Workmen's Compensation Board has been mentioning has been really improved or is deteriorating.

Mr. Starr: Yes, I can assure you it has.

Mr. Lupusella: Mr. Chairman, Madam Minister and members of the committee, I have been looking forward to the presentation of the estimates—I am going to correct the word estimates if Madam Minister feels so strongly—but at any rate, I have anticipated discussing the Workmen's Compensation Board for a long time in view of the insensitivity of Workmen's Compensation Board officials in operating the whole structure of the Workmen's Compensation Board; and the inaction of the Chairman of the Workmen's Compensation Board, Mr. Starr, in making immediate changes on behalf of injured workers in this province; and the catastrophic failure of the Minister of Labour in not introducing legislation which can improve the whole working structure of the board and prevent injuries on the job in the province of Ontario, which are extremely high. We should also strive for improvement of the bureaucratic system with which injured workers have to cope with a view to making the modern concrete structure at 2 Bloor Street more humane and approachable for injured people in this province.

I would like to make some remarks about the Chairman of the Workmen's Compensation Board. On June 26, 1975, the former Minister of Labour, the Hon. Mr. MacBeth, mentioned in the House: "I would remind the members that workmen's compensation is paid to people as a right and regardless of their monetary or independent means; that is the point I would ask them to keep in mind as they proceed along today."

This was at the introduction of the amendments which were enacted in 1975. "I would also just like to take a minute to pay tribute to the Hon. Michael Starr, who I think has done an excellent job in revamping the board since he assumed its leadership. He has presented, I think, a more humane approach to the problems of the workmen than perhaps existed before, he has made the board and its staff accessible; and he and the board are responsible, as I say, for many of the suggestions that have come forward today."

Mr. Chairman, I don't see the sense of humanity expressed in the words of the Hon. Mr. MacBeth about the Chairman of the Workmen's Compensation Board. We are writing letters to the chairman of the board.

There is a terrible delay. He has been telling us that he would take a look into the situation, and then that is the end. When we present those problems, by channeling those problems to each branch of the Workmen's Compensation Board, the response is negative and insensitive, that is how I am quoting what is happening at the Workmen's Compensation Board.

Hon. B. Stephenson: You are quoting whom?

Mr. Lupusella: According to myself.

Hon. B. Stephenson: You are quoting yourself?

Mr. Lupusella: And I am going to give you proof later.

Mr. Lewis: That's a pretty authoritative source.

Hon. B. Stephenson: I simply wanted to clarifiy it.

Mr. Lupusella: My own opinion is that in The Workmen's Compensation Board Act it is not clearly spelled out that compensation is paid to people as a right, otherwise injured workers wouldn't need to fight to get their benefits. Talking about the humane approach which is used by the board, I would like to give you an example of a case on which I have been dealing with the board for quite a long time during this year, which is the most discriminatory case that I have seen since I came to Canada, and let me use this expression. I think the minister remembers that I mentioned this particular case in the Legislature in my budget debate speech in June, 1976, and it seems that to date I haven't been able to finalize this particular problem.

I am talking about an injured worker who at the moment is unable to talk. His name is Carmelo Longo, claim C8142863. He has been declared totally disabled by specialist doctors, is unable to speak, and the Workmen's Compensation Board allowed just 80 per cent of his disability. I have been dealing with the board in order that he is going to be recognized as 100 per cent disabled.

I want to go through the summary of information prepared on September 30, 1976. Since it is a serious allegation which I am making, I think I have to spend some time in order to go through this particular case.

The issue is, Mr. Chairman, "claiming that the permanent partial disability award based on a clinical rating of 83 per cent does not adequately reflect the residual disability resulting from the industrial accident of November 27, 1969." We have been claiming 100 per cent disability. This case is the most obvious one to show how the Workmen's Compensation Board is dealing with injured workers in this province.

"Diagnosis: Head injury—post concussive syndrome." I am sorry if I don't pronounce properly certain medical words. "Vertigo; hysterical pseudo-dementia; psycho-neurotic reaction.

"History: On November 27, 1969, Mr. Carmelo Longo, then aged 44, while employed with Triple F Forming Limited, was taking a hook off a form when the hook swung around and struck him in the head. He was treated by Dr. P. C. Yau who diagnosed head injury with post concussional syndrome.

"Mr. Longo was subsequently assessed by a neurologist, an otolaryngologist and psychiatrist. Mr. Longo also underwent a period of assessment at the board's hospital and rehabilitation centre.

"Psychiatric entitlement was accepted on an aggravation basis, thus entitling Mr. Longo to one half the assessed value on a permanent basis. Various periods of a temporary total and temporary partial benefits have been paid to January 30, 1976.

"Mr. Longo was originally assessed by the pension branch October 10, 1976"—this case, Madam Minister, really gives you, and that's why I want to go through the history of this man, a clear example of how each branch of the Workmen's Compensation Board is operating toward injured workers.

"Mr. Longo was originally assessed by the pension branch October 10, 1972, and granted a provisional award for two years based on a 10 per cent clinical rating for the residual organic disability and 40 per cent for the psychological neurosis. As Mr. Longo was entitled to one-half of the psychiatric disability, a total award of 30 per cent was processed. A 30 per cent special supplement was also granted but this was cancelled June 28, 1973, as Mr. Longo was placed back on temporary total disability benefits due to further treatment.

"Review of medical documentation in 1976 concluded that Mr. Longo would be totally disabled but due to the limitations factors, he would be only entitled to a permanent partial disability award based on 80 per cent of the award. Thus a permanent partial disability award based on a clinical rating of 80 per cent was granted.

"It was subsequently determined that Mr. Longo would be entitled to a permanent par-

tial disability award based on a total of 83 per cent." At the beginning it wasn't even 83 per cent but 80 per cent. As soon as I started appealing the case, I received a letter from the Workmen's Compensation Board saying that there was an error—a mistake—therefore the award was increased to 83 per cent before making the appeal.

"Sixty per cent of the costs have been applied to the second injury and enhancement fund."

The vocational rehabilitation branch was actively involved with Mr. Longo for a number of years. However, on June 10, 1976, they closed their file for the third time as Mr. Longo was totally disabled and not rehabilitable.

I want to emphasize, to the minister, that this man was unable to talk since he had his injury. In view of that, you have to understand how the Workmen's Compensation Board, in particular the rehabilitation department, is trying to rehabilitate a human being who is completely unable to react because he has no memory since the day of his accident. He falls down; he is covered with bruises. When I took this man before the board, of course, he was unable to speak; he was like a veritable vegetable.

[11:00]

"Report of physician, December, 1969: Mr. Longo was examined December 1, 1969, at the Humber Memorial Hospital with a history of having been struck on the head on November 28, 1969, by a swinging crane. Diagnosis was head injury with post-concussional syndrome.

"Report of Neurosurgeon, February, 1970; Mr. Longo had few complaints apart from occasional bi-frontal headaches. His memory was poor and he had problems concentrating.

"Examination indicated that Mr. Longo looked profoundly depressed. Neurological examination was probably within normal limits. The more subtle tests were not possible because of the limited intellectual ability. The consultant's main concern was to exclude a chronic subdural haematoma which might have been resultant from the concussion and head injury. He did not present the clinical picture of a subdural and the consultant was more inclined to think that he had reactive depression secondary to trauma. Further investigation was required.

"Report of neurosurgeon, May, 1970: Mr. Longo was reassessed May 27, 1970, still complaining of dizzy attacks coming on two or three times a day. He stated that he had fallen down a good deal." I don't think he was able to talk—I don't know who wrote this summary of information—because he has been unable to talk since he was injured.

"Again Mr. Longo seemed profoundly depressed and unhappy. The onus was on the consultant to completely exclude organic difficulty.

"Report of otolaryngologist, July, 1970: Consultant felt that Mr. Longo had a mild or moderate right frontal temporal head injury and that the symptom of spinning of surroundings that went on for five or six days afterwards was probably not organic as there was no associated nausea nor had he any auditory loss.

"Examination revealed that his ears were normal and hearing was virtually normal although there was a little upper frequency stimulation loss which would not necessarily be related to his injury.

"The consultant felt there was a mixture of organic and functional and that the latter was a much more important cause of the present disability. The consultant suspected depression and anxiety as being important in the perpetuation of his symptoms. The finding of the positional nystagmus however pointed to a probable brain stem localization of the effect and one would have to assume under these circumstances that this was the result of the head injury.

"Report of neurosurgeon, July, 1970: Mr. Longo was re-examined July 23, 1970, still complaining of dizzy spells though possibly these were less severe and less frequent than they were some months before.

"An EEG report from February, 1970, indicated a focal left parietal temporal abnormality which was quite possibly related to his injury. The consultant felt that Mr. Longo had a huge functional overlay which constituted the largest part of his disability, based on a mild organic post traumatic syndrome, the objective evidence of which was the normal EEG and the otolaryngologist's findings of nystagmus.

"Further EEGs and brain scan were to be ordered and if these were normal then it was recommended that he be admitted to the board's hospital and rehabilitation centre for assessment.

"Report of otolaryngologist, January, 1971: Mr. Longo was examined due to his continuing complaints of dizziness. The consultant found no spontaneous nystagmus and no nystagmus was elicited by positional testing. Mr. Longo exhibited no pathological tone decay. Impedance bridge testing showed that he had normal middle ear pressure and normal middle ear function.

"The consultant felt that there were minor findings of doubtful significance which could be related to the head injury. On the other hand he would agree that there was strong functional overlay.

"Hospital and rehabilitation centre discharge report, February, 1971: Mr. Longo had been admitted to the board's hospital and rehabilitation centre November 30, 1970, and temporarily discharged December 9, 1970. He was readmitted January 4, 1971, and now was being discharged February 2, 1971. At the centre, Mr. Longo performed poorly and continued to complain of dizziness from bending and sudden, quick movements, as well as frequent headaches."

I don't know who made such statements because, as I stated before, he was unable to speak from the very beginning.

"It was concluded that Mr. Longo had very little organic disability. Final diagnosis was concussive cerebral injury with residual vertigo, post traumatic neurosis with anxiety and depression."

"Hospital and rehabilitation centre discharge report, February, 1971: Mr. Longo's case was discussed at the Head Injury Conference on February 17, 1971. It was concluded that Mr. Longo had largely recovered from the direct effect of his injury but continued with partial disability from his neurosis.

"Report dated February 1972: Mr. Longo was reviewed February 18, 1972, still complaining of dizziness, headaches, loss of short-term memory, loss of libido, tiredness and emotional upset. He indicated that he was in absolutely no condition to work.

"Examination had not changed since his previous visit. He had difficulty performing the Romberg test with eyes closed, he walked with difficulty with his eyes closed on normal gait and could not perform the tandem gait at all.

"Audiogram was normal. The remainder of the ENG was unchanged. Diagnosis was post-cerebral concussion syndrome with superimposed mental disturbances."

Mr. Lewis: What was that?

Mr. Lupusella: Superimposed mental disturbances.

Mr. Lewis: Superimposed, okay.

Mr. Lupusella: "Report of May, 1972; Mr. Longo was seen on an out-patient basis at the neurological clinic at the board's hospital and rehabilitation centre. Mr. Longo still had not returned to work and indicated that he had only worked two hours in a gas station but had spilled some of the gasoline and his services were terminated.

"The consultant felt that Mr. Longo's problems were totally functional and that he was rather badly disabled by his functional component. The consultant felt that it was possible that Mr. Longo was quite capable of doing some selective type of work in his present physical condition and that Mr. Longo had largely recovered from the direct effect of the head injury but continued with partial disability from his neurosis.

"Report dated August, 1972: Mr. Longo was reassessed August 3, 1972. The consultant felt that there was no doubt whatsoever that at least 90 per cent of Mr. Longo's disability was not organic. The consultant felt he was quite physically capable of doing a number of types of work, especially those on which he could remain on the ground. The consultant did not know whether his psychogenic disability should be categorized as hysterical or malingering but it seemed that the maintenance of Mr. Longo on a high level of compensation would do nothing but prolong his disability and make it impossible for him to rehabilitate himself."

Mr. Lewis: Is this the board's summary?

Mr. Lupusella: Yes it is. That's how the board is working and that's why I don't believe in what Mr. Michael Starr is saying in his statement.

Interjection.

Mr. Lupusella: This is not just one case, I think you should fire those people working down at the board. You should advise them that's not a humane way of dealing with injured workers, people who are working in this province to create this so-called well-being of the province of Ontario. That's the response of the government. That's the response of the Chairman of the Workmen's Compensation Board running the bureaucratic system which is existing down at 2 Bloor Street East.

"Report of psychiatrist, August, 1972: Mr. Longo was assessed August 31, 1972, complaining of dizziness, an inability to read because his vision was not good and an inability to watch television. He also indicated that since his accident he was not able to write in Italian but had been able to read a bit. It was noted that Mr. Longo's wife was also suffering from what appeared to be some emotional disorder.

"Diagnosis was psycho-neurotic reaction and from a psychiatric point of view, Mr.

Longo's disability at the present time could have been estimated at approximately 40 per cent. His psychiatric disability was triggered off by the accident of November 27, 1969. Other factors responsible for his psychiatric disability were to be sought in previous dramatizating experiences but mainly in a secondary gain motives.

"There was a man who had been working hard since early childhood and had sustained an injury causing inorganic lesion of the central nervous system, also mild in nature. No psychiatric treatment could be expected to yield favourable results under the present circumstances. It may have been advisable to finalize his compensation claim. The prognosis was unfavourable.

"Opinion of surgical consultant, September, 1972. It was thought that there was a relationship between Mr. Longo's present psychiatric disability and the incident described as having occurred on November 27, 1969. It was thought that the relationship was in the range of 10 per cent to 30 per cent.

"Opinion of senior pensions medical adviser, October, 1972: Mr. Longo was examined at the board's offices on October 10, 1972. Examination indicated a minor organic portion of the disability due to Mr. Longo's vertigo. The evidence pointed to the major portion being hysterical with a strong hint that there was some conscious magnification. Under the circumstances it was felt that one could process a provisional award of 10 per cent for the physical aspects of the vertigo. Despite the very restricted entitlement for psychiatric disability, it was recommended that an additional 20 per cent, one-half of the psychiatric disability, be given for a total of 30 per cent. Review was to occur in two years.

"Report of physician, June, 1973: Report indicated that Mr. Longo had been admitted to St. Joseph's hospital, May 2, 1973, and had a vagotomy and pyloroplasty performed for a duodenal ulcer. This had no relation to his compensable disability. He was now convalescing from the operation and would be fit for rehabilitation in approximately one month.

"Report of neurosurgeon, February, 1974: Mr. Longo related that he spent all of his time indoors at home doing absolutely nothing. He spent much time in bed. He scarcely even watched television because it bothers him. He claimed to be literate but did not read because he claimed reading made him vomit. He indicated that he had lost his memory, had loss of balance and he had headaches.

"Examination revealed that he exhibited numerous psychiatric manifestations. His answers to many questions wer almost deliberately constructed to demonstrate his memory failure. It seemed that his answers to most questions were almost carefully calculated in an attempt to demonstrate his problem." For the knowledge of the committee, when there was this appearance, Mr. Longo was full of bruises because he was easily falling down.

"In the examining room, his behaviour was quite astonishing. When asked to bend forward and touch his toes he conveniently fell down on the floor without hurting himself. When he sat up on the examining bed, he deliberately leaned forward and then leaned back suddenly and hard, hitting his head on the wall."

[11:15]

That's the response in the patient's assessment, when the man is taken in to have his pension assessed. That's the response of the doctor visiting Mr. Longo at that time.

"No physical abnormality on neurological examination could be demonstrated.

"The consultant felt that Mr. Longo had a severe psychotic disorder but was uncertain as to whether his problem was merely malingering or hysteria or on the other hand whether there was also severe depression involved. He was certainly quite disabled and needed some assistance from a psychiatric point of view.

"Report of psychiatrist, April, 1974: Mr. Longo had been referred to another psychiatrist for a review who felt that Mr. Longo was suffering from an hysterial or disassociation reaction as the main disability of his compensation or accident neurosis. The amnesia and his low intellectual performance were of a psychogenic or hysterical origin. At the present time his disability from a psychological standpoint was 70 per cent. The consultant agreed with the previous psychiatrist that the factors responsible for his present disability apart from the original accident were his loss in occupation status, his basically unsupported situation at home with a sick wife and the secondary gain motive, meagre as it might be.

"It was not felt, however, at the present time, that Mr. Longo would be able to respond adequately if one finalized his Workmen's Compensation claim. To be able to terminate the claim and to help him return to the labour force, he needed the assistance of the rehabilitation department and a few brief sessions of psychotherapy from an

Italian-speaking psychiatrist." That's unbelievable.

Mr. Lewis: You notice that the psychiatrist found psycho-neurotic disorders. It was only the board that found malingering and a gross magnification of his condition. Surely it makes you wonder about the basis on which the pension consultants review a man's—

Mr. Lupusella: That's how you are assessing the patients.

Mr. Haggerty: Mr. Lupusella has the floor.

Mr. Lewis: While he was drinking water I thought I'd keep it going.

Mr. Lupusella: "Report of psychiatrist, June, 1974. The psychiatrist had a discussion with the vocational rehabilitation counsellor and also had received some information from the Manpower offices where they informed the consultant that they could not do much for Mr. Longo unless he was declared capable of returning to work." Either way, I don't see any particular justification unless the Workmen's Compensation Board, in co-operation with the Ministry of Labour, is going to create the right infrastructure to place those people back to work on light duty. I don't like even the words light job, because such classification does not exist in any part of the world.

What happens when a man is cut off to 50 per cent or, at the moment, if he's co-operating with the Workmen's Compensation Board and is going to show co-operation by going to seek employment, the first thing the Workmen's Compensation Board does is tell the injured worker, "Go to Canada Manpower. Go around, find the job by yourself; a light job. Come back with a list of places where you have been seeking employment." That's the kind of co-operation which at the moment the Workmen's Compensation Board is looking for in order that payment of full compensation won't be stopped.

How is it possible? Are you willing to create such an infrastructure in order that light duty is going to be given to those people who are partially disabled?

Hon. B. Stephenson: It's entirely misleading to suggest—

Mr. Lupusella: What's the policy of your government?

Hon. B. Stephenson: —that the first action of the rehabilitation branch is to send them to Manpower. You know that is not factual.

Mr. Lupusella: It is factual.

Hon. B. Stephenson: No, it is not factual.

Mr. Lupusellla: Because those injured workers by going down there with canes and with their obvious disability—first of all they are requesting a medical report from their family doctor. Then they get in touch with the Workmen's Compensation Board and with—

Hon. B. Stephenson: Who is requesting? Manpower is?

Mr. Lupusella: Yes. Officers down at Canada Manpower.

Hon. B. Stephenson: Fine; so long as I know.

Mr. Lupusella: Because as soon as they mention that they have been disabled they want to know the nature of their disability. When they bring back the report that the man can do just a modified and a light job, of course, there is no way that the Canada Manpower in the past, up to the present time and in the future, is going to look after light jobs for those injured workers. I would like to know what is the position of your ministry and you, as the Minister of Labour of this province; do you have a thought about doing something with this particular problem? For me, it is really insensitive to send those people around asking for light jobs, bringing those lists down to the rehabilitation department in order that their payments won't be cut off.

Hon. B. Stephenson: Are you asking me a question? Have I thought about it?

Mr. Lupusella: Yes. I am asking, are you willing—do you have some future plan?

Hon. B. Stephenson: Yes. We are thinking about it. We are reviewing a programme which we are hoping to establish. There already is a programme at the Workmen's Compensation Board with employers who are co-operating with the board in the development—

Mr. Lupusella: Yes; we haven't got into the other problem yet. Okay, if this one is a pilot —

Hon. B. Stephenson: If you don't want the answers, fine.

Mr. Lupusella: —a project then we get into the problem later on.

Let me proceed with this case because it gives a general view of the performance which has been applied by the Workmen's

Compensation Board in the past and up to the present time.

"Report of psychiatrist dated December, 1974: Mr. Longo had originally been assessed by the psychiatrist on April 23, 1974, and Mr. Longo had been followed every month for a total of eight visits for brief psychotherapy. Mr. Longo complained of pain in his chest; severe depression; almost complete hopelessness; total demoralization; and pains in his stomach. He presented himself a number of times with bruises on his shinbones and forehead which had been caused by falling on the ground while having spells of dizziness. He also claimed poor memory; inability to concentrate and to organize his thinking; and an inability to use public transport.

"The psychiatrist felt Mr. Longo was still severely disabled from a psychiatric point of view. The condition was considered a hysterical dissociation reaction although some of the symptoms, such as dizziness, may have been in part contributed to by the large number of tranquilizers and sleeping pills that he was taking.

"Opinion of consulting psychiatrist, September, 1975: The board's consulting psychiatrist had reviewed the numerous documents and information on file and indicated that the compensable accident of November 27, 1969, precipitated a moderately related hysterical neurosis which was totally disabling at the present time.

"Opinion of surgical consultant, September, 1975: The question of psychiatric entitlement had arisen. The consultant did not think this was of a permanent nature. The various factors involved were many and it was felt that one should accept one-third of a 40 per cent disability for a period of two years and that an award of a lump sum should be made. It was not felt that any treatment was indicated.

"Opinion of surgical consultant, November, 1975: The surgical consultant had examined Mr. Longo and carried out an interview with his vocational rehabilitation counsellor on November 13, 1975.

"Mr. Longo had completely withdrawn from society and had made no effort whatsoever to conduct his own affairs. He needed help in dressing and it was the consultant's view that he was totally disabled. The consultant was wondering now, after further review, whether or not the previous decision regarding Mr. Longo's psychiatric entitlement had been correct.

"It was felt that an independent review of Mr. Longo's psychiatric state by an Italian-speaking psychiatric who had complete empathy with a man of Mr. Longo's nature and his relations was essential in order that Mr. Longo not be done an injustice. At the moment he was totally disabled and it was felt that Mr. Longo should be continued on total disability benefits until this matter was cleared up.

"Report of Mental Health Centre, August, 1975: Mr. Longo had been referred to the Queen Street Mental Health Centre for further investigation and possible long-term institutional care. All investigations were norman. Neurological and psychological assessment revealed no organic basis for his symptoms.

"Mr. Longo had been admitted on June 9, 1975, and was discharged on August 1, 1975, when his sister voluntered to look after him until his wife had recovered from further surgery. His sister had become ill and she had returned Mr. Longo to the care of his wife who was unable to look after him." I have documentation that his wife got sick because she was supposed to look after her husband.

"At the present he remained on an inpatient status at the hospital and was unable to work. His disability was total—100 per cent. The diagnosis remained the same, mainly hysterical neurosis."

I want to read almost the last opinion of the senior pensions medical adviser. His name is Dr. Chovil. He has been involved in this case, I found out from officials of the Workmen's Compensation Board; this is dated January, 1976. Madam Minister, I hope this doctor is going to leave the board.

"Mr. Longo had been rated at 30 per cent provisionally some years ago but this had expired and he had been back on temporary total disability benefits. He had a head injury with organic vertigo and associated psychological breakdown that had now become total and permanent. Medical advice suggested that now that previous entitlement was too restrictive.

"One would have to consider him to be 100 per cent disabled. Limitation should apply as he did have restrictions of intelligence, education and cultural background that were in effect pre-existing psychological disabilities."

Can I understand the meaning of those words? I am referring this question to the Chairman who is running the Workmen's Compensation Board machine with all the expertise of the doctors involved with that

board, working for that board. Is this a fair statement towards an injured worker who has been injured on the job, has been recognized as disabled, otherwise the Workmen's Compensation Board wouldn't pay him benefits?

Talking to his wife, this man has been working steadily for the last 13 or 14 years. He was working in Germany and when I made an appearance before the board I introduced and presented documentation that he had been working for the post office in Germany. By hearing those comments, it seems that it is the opinion of the board that this man was in some way stupid. He was unable to do something and that's why this limitation was supposed to be applied. What for?

Hon. B. Stephenson: I'm sorry, I did not hear closely what it was you said. May I read it and then perhaps I—

Mr. Lupusella: Why not? This one has an opinion of a senior pensions medical adviser.

Hon. B. Stephenson: Yes; that I heard, but I did not hear it all.

[11:30]

Mr. Lupusella: "One would have to consider him to be 100 per cent disabled. Limitation should apply as he did have restrictions of intelligence, education and a cultural background that were, in effect, a pre-existing psychological disability."

Hon. B. Stephenson: A pre-existing psychological disability.

Mr. Lupusella: Yes. How can someone make such allegations to a man about limitation or restriction of intelligence? What's the measure to find out if there is a limitation of intelligence? Education—he was very well educated because he worked for the post office in Germany—and cultural background were, in effect, pre-existing psychological disabilities? What's the effect of this cultural background that in the opinion of the senior pensions medical adviser were pre-existing when this man has been working for 13 years?

Hon. B. Stephenson: I would imagine that the statement suggests that, indeed, there was a pre-existing psychology difficulty before the accident occurred, and that the consultant is making that diagnosis on the basis of information which he has.

Mr. Lupusella: My question is how can you make sure, for God's sake, that this man had a restriction of intelligence? What's the measure to find out that someone is stupid, is intelligent, is an intellectual, when this man has been working for the last 13 years in Germany and here in Canada? How can you make such allegations?

Hon. B. Stephenson: Mr. Chairman and Mr. Lupusella, there are adequate tests which are carried out by psychologists, which obviously this man has undergone over a period of six years.

Mr. Lupusella: But this man was unable to communicate, Madam Minister, with those psychiatrists.

Hon. B. Stephenson: It does not require vocal communication to do psychological testing. I'm sure if you ask your colleague, Mr. McClellan, he'll be pleased to tell you there are many tests of this nature which do not require vocal communication.

Mr. McClellan: I know about the Workmen's Compensation Board's testing. They use psychiatric assessments as epithets.

Hon. B. Stephenson: I'm not talking about the Workmen's Compensation Board. He has also been assessed by psychiatrists outside of the board system as well, Mr. Lupusella.

Mr. Lupusella: So in other words you don't see anything wrong with those board statements?

Hon. B. Stephenson: I didn't say that, Mr. Lupusella. You asked me a question, I was trying to answer it. On what basis would he make that diagnosis? On the basis that psychological testing has been done over a period of approximately six years.

Mr. Lupusella: The point which I would like to make, Madam Minister is that the attitude of the board and the opinions expressed by the senior pensions medical adviser are really discriminatory; that's the point which I would like to make. How can you evaluate a person, when he has been working for 13 years or 14 years in other countries, and when he comes to Canada and an injury takes place, then we hear the allegations from the Workmen's Compensation Board in order that they can reduce the percentage of the disability for which they are responsible? If you think this is a good practice for Workmen's Compensation Board officials, it's an approach with which I completely disagree.

Hon. B. Stephenson: You are entitled to your opinion. I most certainly could not make a comprehensive statement about it, since I

do not have the entire psychological, psychiatric or even physical records of this individual. I heard all of the remarks you made.

Mr. Lupusella: I have it: and I stated during my appeal before the board, Madam Minister, that this man was unable to communicate with psychiatrists because he is not talking.

Hon. B. Stephenson: I don't know that. I don't have any factual information about this.

Mr. Lupusella: Anyway, Madam Minister, the point which I would like to raise on this case, is that what the Chairman of the Workmen's Compensation Board has been stating previously is not correct.

Hon. B. Stephenson: About what?

Mr. Lupusella: About the whole operation of the Workmen's Compensation Board toward injured workers, on helping them, on extending its activities. The board has been extending its activities in a very ineffective way; and injured workers in this province, Madam Minister, are suffering the consequences of something which is fundamentally wrong in the Workmen's Compensation Board.

Hon. B. Stephenson: If I may, Mr. Chairman, what I have heard Mr. Lupusella read is that indeed this injured workman has been given an 83 per cent total disability benefit, if you like, over a period of, I don't know what time because I don't have all the documentation, on the basis of the fact that he has developed a severe psycho-neurosis as a result of an injury. It has apparently been stated that as a result of the examinations which have been carried out that there were pre-existing problems which have complicated this, and that was the basis upon which the assessment was made.

Now that's the kind of factual information which—

Mr. Lupusella: That is a philosophy with which I completely disagree, Madam Minister.

Hon. B. Stephenson: It's not a philosophy—

Mr. Lupusella: That's an approach which is clearly followed by the Workmen's Compensation Board. Now if we are here to criticize and tell the board what is wrong, those are the facts.

I haven't heard you taking a particular position that there is something wrong. The Chairman of the Workmen's Compensation Board, and yourself, Madam Minister, when we talk about workers of this province, injured workers of the province of Ontario, it seems that there aren't problems.

The practice of the Workmen's Compensation Board in relation to the different branches, like the pension department, appeal system, is evident; because this case involves all the branches of the Workmen's Compensation Board. My point, Madam Minister, is that the board at 2 Bloor Street East doesn't accomplish what is required for the needs of the workers and the injured workers in the province of Ontario. That's the point which I would like to raise.

Mr. Starr: I think the record should be kept straight; this is one case that Mr. Lupusella is now citing—

Mr. Lupusella: It's not just one case.

Mr. Starr: —out of 400,000 cases that come before the board each and every year.

Mr. Lupusella: We can take the cases—

Mr. Starr: I would ask Mr. Lupusella if he will now tell us the decision of the appeal board on this case.

Mr. Lupusella: Because I made the appeal and because I was—

Mr. Starr: Tell us the decision of the appeal board.

Mr. Lupusella: We'll go through that; we are going to finish the case because it is not finished yet.

Mr. Starr: Well okay, I'm waiting expectantly till the end.

Mr. Lupusella: In other words, this man has been recognized 100 per cent disabled but no grants were allowed to his wife to look after the injured worker, so this decision is still pending down at the board.

Mr. di Santo: After how many years?

Mr. Lupusella: After how many years? It's since—

Hon. B. Stephenson: Nineteen sixty-nine.

Mr. Lupusella: Since 1969; and the famous crusade is not ended in 1976. If that's the way our injured workers are supposed to fight to get their rights from the Workmen's Compensation Board, I completely and vigorously disagree with that.

Hon. B. Stephenson: Mr. Lupusella, during all of those years the injured workman in fact was on total disability pension a number of times, because of his psychiatric

assessment and his inability, psychiatrically or psychologically, to function.

Mr. di Santo: How much was the injury a consequence of the negative attitude at the Workmen's Compensation Board on his disability? It's another question.

Hon. B. Stephenson: I think perhaps it should be remembered that it is only within the last three or four years, I believe, that indeed the psychological or psychiatric component—two and a half to three years—that the psychological or psychiatric component of injuries has been recognized by Workmen's Compensation Boards as compensable by boards. Indeed this is not limited to the province of Ontario. I think Ontario has begun relatively early to recognize, at least the partial effect of this. The fact that they have moved as far as they have, I think, is beneficial to the workers.

This is a situation which perhaps was engendered by the expertise of physicians over a number of years when they felt that the role of the Workmen's Compensation Board in any jurisdiction was to compensate for physical injury. They did not, in fact, take into account the psychiatric side effects or secondary effects, which you have demonstrated very clearly in the presentation of this case are the major problems here. There is a very minimal physical problem and the major problem is the psychiatric overlay or the functional overlay.

Mr. Lupusella: What was the board's effect on all this?

Hon. B. Stephenson: It has been recognized, it is in the process of being recognized.

Mr. Lupusella: I don't believe all that.

Hon. B. Stephenson: It is an evolutionary process, it's not something that happens overnight.

Mr. Lupusella: I don't believe that.

Hon. B. Stephenson: I'm sorry you don't.

Mr. Lupusella: That's how the case is standing, but I completely disagree with that. The functional overlay which you are talking about and which the Workmen's Compensation Board is effectively applying—this is one of the cases in which the board has been recognizing a high percentage of functional psychological problems. Most of the psychological problems are assessed by the Workmen's Compensation Board at the degree of five to 10 per cent or 15 per cent.

Now if this man who had this injury in 1969—

Hon. B. Stephenson: Mr. Lupusella, you promised you would complete the case, which you haven't done as yet.

Mr. Lupusella: Yes, I promised that. The case was completed. I apologize for making this remark, Mr. Chairman, but it was because I got involved in the case. Otherwise, this man didn't have his rights recognized by the Workmen's Compensation Board.

Even so, the case is incomplete to date, although he was recognized as being 100 per cent disabled, based on the psychological assesment, because his case is going to be reviewed in two year's time. The decision to grant the allowance to his wife to look after him is still pending. I hope the Workmen's Compensation Board is going to speed up such process because this man—I feel completely sorry about this man. His wife got sick because of the condition of her husband.

"Opinion of pensions adjudicator, June, 1976: It was not felt that there was any need to review the application of the second injury and enhancement fund. The 83 per cent award would be broken down into the first 15 per cent, plus 80 per cent of the remaining 85 per cent; that is 15 per cent plus 68 per cent for an overall award of 83 per cent.

"On November 6, 1972, Mr. Longo was granted a provisional partial disability award based on a clinical rating of 30 per cent for two years to November 6, 1974. This award yielded a monthly pension of $104.50. A 30 per cent special supplement was granted from January 28, 1973, to May 28, 1973, which awarded an additional $104.50 per month. A 35 per cent special supplement was granted from March 28, 1973, to June 28 1973, in the amount of $121.75.

"On January 30, 1976, Mr. Longo was granted a permanent partial disability award based on clinical rating of 80 per cent dating from January 30, 1976, which yielded an award of $348.75 per month. This award was increased to a clinical rating of 83 per cent on June 22, 1976, dating from January 30, 1976, Mr. Longo's present pension yields $362 per month.

"Review branch decision, June 7, 1976: On June 7, 1976, the claims review branch denied Mr. Longo's appeal and confirmed the 83 per cent permanent partial disability award."

When I got in touch with the Workmen's Compensation Board by sending them all the medical evidence which was already

existing on his file, they denied the appeal. Why? I was making certain requests, saying, "It's a really serious case and I don't think you need justification or going through the appeal system to increase his pension to 100 per cent disability." The review branch decision on June 7, 1976, denied the request which I made.

Okay, we are talking about this man who, unfortunately, is unable to defend himself, but if I was not involved in this particular case, who is going to defend Mr. Longo? Is this the way our injured workers in this province are supposed to deal with the Workmen's Compensation Board? Are those the proceedings through which workers of this province, when they get injured, are supposed to deal with the Workmen's Compensation Board? That's what's happening.

Mr. Starr: It was dealt with very fairly.

Mr. Lupusella: That's what's happening.

Mr. Starr: Of course, it was—

[11:45]

Mr. Lupusella: Now here is a clear case, Mr. Chairman, with medical evidence on the file; when I write a letter requesting certain benefits and then the review branch is going to deny those benefits should I go down there to present the man and to make him my own case when the case is very clearly spelled out? That's what's happening in the province of Ontario with injured workers when they are dealing with the board.

If the Workmen's Compensation Board considers benefits a right to be given to the injured workers these benefits which they are allowed to get and if they then have to fight for this then any statement which Madam Minister, through the Chair which Madam Minister makes in the House I think is just a paradox; I don't believe it. These are the realities. The minister talks about a different world which in practice does not exist. You are making certain statements in the Legislature which in the real world are not existing.

Hon. B. Stephenson: Oh but they do, Mr. Lupusella.

Mr. Lupusella: Madam Minister, if I had been elected—

Hon. B. Stephenson: There are certain instances in which there are difficulties, and this one obviously is one with difficulties.

Mr. Lupusella: It is not just one.

Hon. B. Stephenson: But the vast majority—

Mr. Lupusella: It is one of the many.

Hon. B. Stephenson: —of cases are dealt with very expeditiously and very fairly by the board. This is a specific problem related to a specific difficulty which all Workmen's Compensation Boards, indeed all health professionals, are having problems in solving.

Mr. Lupusella: Madam Minister, this one is one example of so many which I have in my office. To tell you the truth, I don't mind helping injured workers and I don't want to make my own case here. I am sure officials of the Workmen's Compensation Board are aware of the number of letters which I write to them on a daily basis. This is the kind of a response; and I am going to give you more evidence to show the attitude and how stubborn the board is when you are requesting certain rights. That's really the wrong approach.

If I have been elected as a member of the Legislature to go down to the Workmen's Compensation Board to present cases every day, something is fundamentally wrong there and I don't think the improvements which were made, or which the Chairman of the Workmen's Compensation Board is claiming have been made, are producing the desired effect for injured workers.

Mr. Starr: Yes, they are.

Mr. Lupusella: They are not. I presented another case before the appeal board, and do you know the response of the appeals examiner? He said: "Mr. Lupusella, if you really want to help this man, I think you should get in touch with the rehabilitation department. You speak his own language. You go there and you deal with the officials of the rehabilitation department." I requested a transcript of this particular case from the board. They didn't send me a copy of that transcript so that I would have the evidence today to show that it is not my duty to take cases down to the board every day instead of doing my legislative work.

Hon. B. Stephenson: But the rehabilitation branch—

Mr. Lupusella: Now if there are programmes and problems, Madam Minister, it is your duty and the duty of the Chairman of the Workmen's Compensation Board to look after the activities which are going on down at Bloor Street, East. It is not our duty.

We raise problems as members of the Legislature. When the issue of Premier Picture Frame Manufacturing was raised in the House, I submitted a supplementary question requesting that full compensation be restored to those people, to those injured workers who were fired by that particular company. The response of Madam Minister, Mr. Chairman, was that they had to investigate the case before taking the situation into consideration at Premier.

Hon. B. Stephenson: No, that wasn't precisely what I said, Mr. Lupusella, and if you will check Hansard you will find—

Mr. Lupusella: I will check that.

Hon. B. Stephenson: —that I said that those who were co-operating with the rehabilitation branch would automatically be on full compensation, because that's the programme. If there were other reasons for their discharge and they were not co-operating then—

Mr. Lupusella: That's why I'm telling you, and I have been telling you, that in the House you are dealing with the Act as it is and the kind of benefits which injured workers are supposed to get.

Hon. B. Stephenson: At the moment we have to deal with the Act as it is.

Mr. Lupusella: Right. But in reality, the reality is not an automatic system in which injured workers are going to get such benefits. If they were fired, those 11 people at Premier Picture Frame—11 injured workers were involved if I am not mistaken about the figures —for most of them their benefits were cut off. For some of them the benefits were completely cut off, and others were cut off to 50 per cent. That's why I raised the question. Why the Workmen's Compensation Board—

Hon. B. Stephenson: That depended upon the circumstances.

Mr. Lupusella: But they had been co-operating down there, Madam Minister. You know the problem involved at Premier Picture Frame at that time, when the contract signed between the Workmen's Compensation Board and the owner of this company was going to expire there was automatic firing of those injured workers.

Hon. B. Stephenson: That was not the situation; there were—

Mr. Maeck: Mr. Chairman, on a point of order. This is becoming a debate. It's supposed to be the leadoff speech.

Mr. Lupusella: Okay, I apologize.

Mr. Maeck: There are other people. Mr. Lupusella is going to have chances to ask Mr. Starr and the minister later questions that he might ask. But I think if we are going to follow procedure in this committee I think perhaps we should be going ahead with the leadoff speech and letting the other ones do the same.

Mr. Starr: Mr. Chairman, if we are going to discuss particular individual cases and the merits of those cases and we would have to answer certain questions about those particular cases, then I think we should be told which cases they are. We would have to then get a written agreement from the claimant to discuss his case in this committee.

Hon. B. Stephenson: May I just express some concern.

Mr. Starr: We can't divulge—

Hon. B. Stephenson: I sincerely hope that Mr. Lupusella had the agreement of Mr. Longo—

Mr. Lupusella: Oh yes.

Hon. B. Stephenson: —to divulge all of the personal medical information which was divulged to this committee.

Mr. Lupusella: Yes, I have that permission.

Hon. B. Stephenson: Good. Do you have that in written form?

Mr. Lupusella: No, not written form.

Hon. B. Stephenson: It's unfortunate—

Mr. Yakabuski: You must get it or this committee will not discuss it.

Mr. Lupusella: Mr. Chairman, on a point of order. The case which I brought up—

Hon. B. Stephenson: That's not a point of order that is law.

Mr. Lupusella: The case which I brought up, Mr. Chairman, was just to give—

Mr. Starr: We can't answer questions about any case unless we have written consent.

Mr. Lupusella: Well, this one is a law.

Mr. Mancini: You mean to discuss all those cases you have to have written consent?

Mr. Starr: From the claimant if we are going to divulge information in the file about him.

Mr. Lupusella: I don't think that is a fair position.

Mr. Mancini: Just on this point of order, if I may. Why did the Chair allow this type of debate for nearly three and a half days last year?

Mr. Starr: Not this type of debate.

Mr. Mancini: Certainly it was.

Mr. Lupusella: Yes, we brought up—

Mr. Mancini: Certainly it was, Mr. Starr.

Mr. Starr: No names were mentioned. No names were mentioned about any—

Hon. B. Stephenson: They were—

Mr. Mancini: One of the claimants was even here in the back of the room.

Mr. Starr: Well then he wanted, he allowed it to be—

Mr. Lupusella: He didn't give us any particular permission. If we are dealing with particular cases and if we are going to find out what is happening through those injured workers I don't think there is any objection to discuss their problems here, Mr. Chairman. I think that those cases—

Mrs. Campbell: Excuse me, if I may, just on this point.

I understand the concern of the leadoff speaker for the NDP, and I understand that in using names what he has tried to do is to be specific, to address himself to what he sees as problems. However, I would urge—if I may suggest it—that he deal with cases without identification unless he has himself protected, because it leaves this committee in the position where we really can't discuss the case as a public issue.

I'm only offering that as a piece of advice, if I may; unasked-for advice is seldom welcome I understand that, but I really think that we'll all in an embarrassing position if in fact this isn't fully covered.

Is it possible for him to proceed with case A, B, C, with the proviso that he could deal with it privately with the minister and others in identification? I think it's important to this speaker and to this committee. I don't want to muzzle him; I just feel he may be in trouble if he continues that's all.

Mr. Lupusella: I appreciate the comments which the hon. member made, Mr. Chairman, but we are not dealing with secret diseases involving the pension. The problems which we are raising here are based on injuries which have taken place on the job.

Mrs. Campbell: I recognize that.

Mr. Lupusella: That's why, when you made the statement in the Legislature about the freedom of information in relation to the bill which was introduced by my colleague the member for Temiskaming (Mr. Bain) to release medical information to the claimant, in view of, I don't know, psychological problems which might arise.

Hon B. Stephenson: Mr. Chairman, medical information is very private and personal information and there are laws within this province which cover that situation completely. I would not want to see any member of this committee in contempt of those laws.

Mr. Lupusella: As the hon. member stated, we won't mention the names but I think we can report the attitude of those specialists.

Hon. B. Stephenson: The reporting is perfectly fine provided you identify the individuals only by their claim numbers or by some identification other than their names. Indeed it would be dreadful to have members of this committee in contempt of the law of the province, which does protect the privacy of individuals related specifically to their personal medical condition; and which I think has to be upheld.

Mr. Lupusella: I do appreciate this exposition. I'm going to follow such procedure, Madam Minister.

Mrs. Campbell: Providing that is what we are upholding.

Hon. B. Stephenson: Yes; as long as it's personal and private information.

Mrs. Campbell: That's right; and not the OMA.

Hon. B. Stephenson: I'm talking about individual privacy.

Mr. Chairman: Mr. Mancini has a point of order.

Mr. Mancini: Yes, I'd just like to say that I'm very surprised that this has come out. I, like many other members of the Legislature, served our first term starting last year, so I particularly, and I'm sure many others, kept a close eye on the activities and how the committees function. I was very active in these estimates last year. Many individual cases were brought up, and I will say that

the people here representing the board were taking down the claim numbers—

Hon. B. Stephenson: The claim numbers.

Mr. Mancini: —the names and the claim numbers of these people just as fast as they were coming out. I really don't think it's fair to have one set of rules for the committee last year and another set this year.

I for one didn't happen to mention any cases last year, I was new in that year and I really don't think we should use these estimates for that particular thing. I think we can have open access to the Chairman, at least I've had it and I'm sure all the other members do, so I think we should leave our particular cases to our meetings with the Chairman.

I'm sure not all the other members agree with what I say, so they should have their opportunity to discuss it here, as we did last year.

Mr. Maeck: On that point of order.

Mr. Chairman: Mr. O'Neil has a point.

Mr. O'Neil: Go ahead.

Mr. Maeck: I was just going to say it's not a matter of what this committee decides it's a matter of what the law is in the province of Ontario. If we did it wrong last year—I wasn't at this particular meeting last year—but if it was done wrong, two wrongs don't make a right. If the law says we can't do that, I don't think this committee should even entertain the idea.

Hon. B. Stephenson: In most instances last year the individuals were identified by their claim number. I don't recall; there may have been names mentioned, I don't recall it.

Mr. Lupusella: If there were names maybe we can find out—

Mr. Mancini: As a matter of fact I mentioned—

Hon. B. Stephenson: The other thing was that indeed the entire medical report was not read into the record. There were simply comments made about it or questions raised about certain claims.

Mr. Mancini: This year I happen to have one case I'd like to bring up.

Hon. B. Stephenson: Well identify it by claim number, that's perfectly fine.

[12:00]

Mr. O'Neil: Mr. Chairman, we've hit 12 o'clock which means the member has been speaking for about an hour and three-quarters. Can we expect that the Liberals can get into their leadoff and possibly you could continue later with questions on certain cases?

Mr. Lupusella: I have one question. I am going to proceed with my leadoff speech in a very general term—

Mrs. Campbell: He's just started?

Interjections.

Mr. O'Neil: I wonder if I could ask how long the member intends to continue with the leadoff, so we can—

Mr. Lupusella: It's a serious matter and—

Mr. O'Neil: I realize it's a serious matter but we also have comments we'd like to make.

Mrs. Campbell: Yes, it's serious for us too; and we were here on time.

Mr. O'Neil: I feel that the chairman or the committee as a whole should make some sort of a decision so the different parties are given a chance for their lead-in speeches and then the other members can continue at a later time. We could be here all today and tomorrow with one lead-in, and respectfully, in fairness, I think the other party should be given some chance.

Mr. Lupusella: Yes. I don't have any objection. I'll try to be fast and I will continue with my comments this afternoon.

Mr. Chairman: Since it's now 12 o'clock, I'll leave the chair and we'll resume after question period.

The committee recessed at 12:02 p.m.

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Workmen's Compensation Board official taking part:
Starr, M., Chairman.

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No. 139



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Third Session of the 30th Parliament

Tuesday, December 14, 1976

Evening Session

Speaker: Honourable Russell Daniel Rowe
Clerk: Roderick Lewis, QC

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LEGISLATURE OF ONTARIO

The House resumed at 8:05 p.m.

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH AMENDMENT ACT

Mr. Norton, on behalf of Hon. Mr. McKeough, moved second reading of Bill 187, An Act to amend The Regional Municipality of Hamilton-Wentworth Act, 1973.

Mr. Makarchuk: You made it.

Mr. Deans: I did indeed. Mr. Speaker, I'm going to be very brief in regard to second reading of the bill because we anticipate that the bill will go to committee in order that some amendments might be moved. There are some questions we might want to ask when we get to committee and I think that would be the appropriate place to do so.

The debate on the takeover of the Hamilton Street Railway by the region has been a long debate and has taken a good deal of time. It wasn't really finalized, I think it's fair to say, until Sunday last. It's been ongoing and I can recall having a number of meetings over the last year and a half or perhaps even longer with the ministry with regard to it.

I think it's fair to say the bill as it now stands has fairly widespread support. That doesn't mean it has unanimous support by any means nor does it mean that everything we on this side of the House and everything that many people in the community feel ought to be included is included. We do understand—and a nod would suffice—that the ministry has made an undertaking that at some time in the next session of the Legislature, when the bill is in place and it's working, if some of the deficiencies which are anticipated do show up, the ministry won't feel averse to bringing in some further amendments to make the bill more suitable to the overall needs of the municipalities outside the city of Hamilton.

There are two areas of concern which I want to raise. One which has been raised in terms of the discussion that took place over the last weekend and prior to that, concerns the rights of the smaller municipalities and whether they are adequately protected with regard to the provision not only of the existing service but also future services which might well be needed.

One thing that has concerned me and I raise it now is that the Hamilton Street Railway, in the last short period of time, has been doing a fair amount of reducing of the service available. The Hamilton Street Railway has done it; and its subsidiary operation, the Canada Coach Lines, has been reducing services to many of the neighbouring municipalities. By reducing those services they have put the municipalities at a distinct disadvantage. The town of Stoney Creek is perhaps the most obvious one. It would seem to me, if we are talking about simply providing the service which currently exists, the service which currently exists really is not adequate.

What I'm saying to the members, and, I suppose, I'm saying to the parliamentary assistant in the hope that the Hamilton Street Railway might even read it and the neighboring municipalities might pay some attention to it, is that it seems to me if this service is going to be of any value at all, if this bill is going to provide any useful additional service to the total area, it has to be simply the starting point. We can't leave the impression that any one of us is satisfied that the level of service now being provided is in any way commensurate with what we believe to be the need for the area. The Hamilton Street Railway, which will become, I suppose, the Hamilton-Wentworth Street Railway, should take upon itself the responsibilities of providing service as it is required.

Let me say that the reason I raise it has very much to do with the ongoing debate between Gray Coach and Greyhound. Unless a service has it brought to its attention that what is being provided is not adequate and therefore as the result of that its jurisdiction is somehow in jeopardy, then that service will never be in a position to make adequate judgements about what it ought to be doing in order to meet whatever the criteria are that enabled it to have the sole jurisdiction in the first place.

What we should require of the regional municipality, the regional government, is that it should set out a policy quite clearly and not leave it up to the Hamilton Street Railway on its own. The regional municipality should establish a policy of service to the entire community and how that service is going to be phased in and how it's going to be provided since we have at this point in time provided a method of compensating them, if not adequately, at least compensating them for the additional services they might render. I think we should have an understanding with the regional municipality that they have an obligation to set out pretty clearly what they anticipate the overall regional needs to be and how the Hamilton Street Railway, acting as an arm of the regional municipality, will provide for those needs.

We should bring to the regional municipality's attention that that policy is its responsibility. It is not the responsibility of the Hamilton Street Railway. It is the responsibility of the regional municipality and the regional council. Regional council has to set the policy for the street railway and has to be answerable for the actions of the railway and the service that is or is not provided in much the same way that I think the government of Ontario should be answerable for policy in the overall in the province of Ontario in terms of the provision of transportation both for the movement of people and things around the province.

We have to make it clear to them that what they have to address themselves to is ensuring that there is a clearly understandable policy in terms of existing service and the provision of future service. The best example that comes to my mind is that the Ontario Housing Corporation undertook to build under the HOME programme a fairly substantial housing development on Saltfleet Mountain, but it took me two and a half years to get the Hamilton Street Railway to provide one bus. I think that that ought not to have been. It seems to me we have to make it clear that that cannot be abided in the future and that that's something we are not prepared to accept.

There's another problem and it's one I think the minister or the parliamentary assistant may give some consideration to before we reach committee. There is nothing in this bill that addresses itself to the protection of the employees. At the present moment, as I understand it, the employees of the Hamilton Street Railway have a pension plan that is private in nature. It's a private pension plan directed solely for the employees of the Hamilton Street Railway. My concern about this is that, as there is a takeover from the city of Hamilton to the regional municipality, those employees should be provided with all the protections we would normally expect to provide for employees who are affected by a transition of their power or a movement of their employment from one area to another.

[8:15]

What you are doing in essence tonight, if we pass the bill, is arranging that those employees will cease to be employees of the city's Hamilton Street Railway and will become employees of the transit commission of the regional municipality of Hamilton-Wentworth. I want to be sure that in that transition, and in order that I don't have to confront Ted Stringer some day, that it be clearly set out in the bill that all of the rights and privileges and all of the contractual arrangements in force at the time that this transition takes place—

Mr. Kerrio: You're not even a wine drinker, Ian.

Mr. Deans: Why don't you go back to your party?

Mr. Cunningham: We need a quorum.

Mr. Deans: I want to be sure that they will remain in force and in effect for these employees and any future employees. I just don't want to leave it to chance. The parliamentary assistant might want to say to me that we fully intend that these employees will not in any way be disrupted, discriminated against or deprived. But I've been this road a number of times and I would much prefer if the draftsman of the bill could find a way to draft a clause that would guarantee that all of the benefits that currently have been negotiated and are in place are made available to each of those employees under the new employer system. I don't think it requires any masterful mind to draft it; I can do it while the debate's going on if that's necessary, though I think I would probably prefer if it were done by the ministry in order to make sure that it conforms with the normal, legal language that we would have in legislation of this type.

I don't want to see us being put in the position of having to have arbitrations take place in the province over the employees' rights in the Hamilton Street Railway as they previously existed, over and against what they can reasonably expect to have

when it's taken over by the regional municipality.

With those few comments, and they are few comments, I suggest to the parliamentary assistant that we will approve the bill, recognizing that we fully anticipate that in March of the coming year or thereabouts there probably will be amendments forthcoming to satisfy some of the legitimate points raised by a number of people in the municipality over their protection, and hoping that the minister will bring in an amendment to the bill now that will ensure that at the time of takeover all of the contractual obligations previously undertaken by the Hamilton Street Railway will become the responsibility of the new entity set up under this bill.

Mr. Cunningham: Mr. Speaker, inherent in the acceptance of my party and my own participation here as the member for Wentworth North would be the understanding that the government is accepting the views put forth by the member for Wentworth as they relate to the acceptance of previous commitments—

Mr. Shore: Where are all your colleagues?

Mr. Cunningham: Sorry, Marvin?

Mr. Shore: Do you like talking to yourself there? Where are all your buddies?

Mr. Cunningham: Did you want to be invited? I'm sorry. If you'd stuck around a little longer you would have been invited.

Mr. Shore: I was invited.

Mr. Cunningham: You should stop while you're ahead, Marvin, because I'll tell you there'll be no party for you—not a Conservative Party, not a New Democratic Party. There'll be no party for you, Marvin. But if you want to speak to this bill, I would invite you to get involved in this discussion as it relates to the Hamilton-Wentworth Transit Commission.

Mr. Deans: This was your going away party and you missed it.

Mr. Cunningham: Although, recognizing the fact that you're an authority on so many subjects, especially bankruptcies, and I want to tell you, Marvin, given the particular financial—

Mr. Deputy Speaker: Order, please. Will the hon. member for Wentworth North ignore the interjections and speak specifically to Bill 187?

Mr. Cunningham: I will, Mr. Speaker, and I want to say that you, probably more than many members, would appreciate the financial difficulties that affect the people of the region of Hamilton-Wentworth with regard to the bill. Given the fact that you appreciate that, I'm sure the member for London North would appreciate it as well. I'm sure he would be willing to participate in this debate as it relates to possible relief of tax dollars for those people who are so badly and adversely affected by regional government—but possibly that might come at another time.

I want to say that we in the Liberal Party will support this piece of legislation, Bill 187. I only want to say to you, as the member for Wentworth North and independently so, I am concerned at this point in time about the possibility of some deterioration of service to my constituents. Implicit in this discussion, I suppose, is the idea of cross-subsidization. That has been the long-standing prerequisite, I suppose, of any granting of licensing authorities to the Highway Transport Board prior to this legislation.

I can only say, and Mr. Speaker, as a resident of a rural area you would appreciate this, certain areas are not lucrative; certainly they are not areas that have been of great beneficial service—

Interjection.

Mr. Cunningham: I am sorry, the member for Middlesex (Mr. Eaton), the soprano, is here. I didn't recognize him; I didn't know what he was saying. If he would like to participate in the debate I would welcome him, because I too would appreciate his view.

Mr. Deputy Speaker: Would you continue to ignore the interjections and speak to the bill?

Mr. Cunningham: I will if you will rule him out of order.

Mr. S. Smith: He has been out of order since the day he was born.

Mr. Cunningham: That soprano is hard to recognize.

Mr. S. Smith: Where there are so many.

Mr. Deputy Speaker: The hon. member for Middlesex will be recognized.

Mr. Cunningham: I can only say that certain areas, especially as it relates to rural constituencies, require that concept of cross-subsidization, not only in the transportation of human beings, but in the concept of trans-

porting goods. That's been a principle that I think has been recognized by the province of Ontario for 35 or 45 years. It's very important; I don't think it matters what party you are in or how long you have been around, I think it is very important that we all recognize the importance of that very thesis, and that is that certain areas in our constituencies are not lucrative areas by way of transporting either goods or people. That is implicit in the granting of licences. It is so very important that we allow, by way of cross-subsidization, the more lucrative runs to subsidize the areas that are not so lucrative. That's so very important—at least, I think—to the members of the opposition, to their point of view.

I can only say to you that my fear as the member for Wentworth North is that through Bill 187—and I know it is just enabling legislation—I am concerned for the bus service that we have known through Canada Coach—and more recently I gather by way of Highway Transport Board decree, for other areas in the northern part of my constituency—that is the service that we have come to expect and which I think we pay for by way of our taxes, and we would expect that service to continue to be provided.

If this legislation does go into effect, it affords a licence to allow that transit authority to ignore the rural areas. I hope that is neither the intent nor the method which this legislation will be effected, because it would distract me greatly. In the matter of consumer analysis, put yourself in the view of the residents of Strabane or Carluke or one of the rural areas—maybe Carlisle, Ontario. I know the member for Middlesex would appreciate this, because he has so many areas that are, I think, directly analogous to this particular situation—you have Dartmouth and various areas like that—I know he would appreciate that.

Mr. Eaton: He is in my riding. Do you know where they are?

Mr. Cunningham: Well, you're there more often than I am.

Mr. Deputy Speaker: The hon. member for Middlesex will be recognized next if he wants to participate.

Mr. Cunningham: I wouldn't want you to throw him out, especially this particular member; he's so rarely here. But when he is we do hear him.

Mr. S. Smith: Keep him around for a while.

Mr. Cunningham: His voice is unmistakable in this House, sometimes not discernible, but unmistakable.

I can only say that we cannot forget the small rural communities in this province. And if this is the intent of this legislation, I would only say that I would oppose it. I don't think it is. I would prefer to give the credit to this particular ministry to recognize the importance of the rural commitment to the regional municipality of Hamilton-Wentworth. We can't afford a YMCA for the community of Strabane. We can't afford the community and social service aspect, as it relates to that particular region. It is very important that we provide adequate transit facilities for those people in that area. They pay a great deal of taxes; their taxes have gone up almost 100 per cent in the last three years. It's very important to me as their representative that a meaningful and adequate and a fair method of transportation be afforded them to the centre of the city of Hamilton, the second largest city in this province. That's very basic to me.

In many ways, they have digressed from—

Mr. Moffatt: You're digressing there.

Mr. Cunningham: No, no, I'm not digressing. The thesis of this bill has digressed by not suggesting that the whole region come within the purview of a regional transit bill. They are designating a certain area—it's unclear to me, and possibly the parliamentary assistant to the minister would afford me the ministry's view as to what specific areas they are recommending for control in this particular regard. As I see it there are parts of towns and villages that will be intersected and which will qualify for a subsidy—that basically, is what it's going to be, a subsidization of transit facilities—and there are other areas that do not. I can only say that I am very concerned about those areas that are not—and about the preoccupation of this government with having those areas that do not receive any service paying for the entire service of the area.

I'm sure as a representative of a rural area, Mr. Speaker, you will appreciate the concern on behalf of my constituents as to the efficacy of paying for a service that they are absolutely, totally unable to receive any benefit from. I find that whole thing in the context of increased taxation through regional government a very, very unfair situation.

I am very concerned about protecting the employees that heretofore have been employed by Canada Coach or by the Hamilton Street Railway or in some other manner by

a transportation system in this area that we haven't recognized—and there have been several. It's very basic to us in the Liberal Party that we recognize that situation and that we see we accord every employee some recognition of his service and that they are brought into line with existing transit organization agreements. I think that's only fair.

I would ask of the ministry that they consider changing "Ontario" to "Ontario Municipal Board." This might bring the legislation to a more appropriate stance. More specifically, I would ask that more consideration be given—possibly through committee—to the idea of cross-subsidization. That is very basic to the whole idea of transportation in this province. We've heard a great debate on the efficacy of the Greyhound-Gray Coach issue and I suppose that was analogous to this situation. We must have the more lucrative runs subsidizing the areas that are not as advantageous to live in as are the more urban areas of our province. Some 36 per cent of the people of Ontario live in areas that are not well populated and they require this kind of transportation facility. I would only think it fair that the government consider it so.

[8:30]

Mr. Deputy Speaker: Does any other member wish to participate on second reading? The hon. member for Hamilton Centre.

Mr. Davison: The current situation in the Hamilton-Wentworth region speaks to something of a recurring problem with the government and that's the lack of sensitivity to local positions and local situations. Regional government in Hamilton-Wentworth has been, since its inception, a contentious issue. The government was perfectly aware of the ramification of this bill that is now before us in the municipality of Hamilton-Wentworth. It was aware of the strenuous relationships at times between the councillors from Hamilton and the councillors from other areas of Hamilton-Wentworth. But the government didn't extend every effort to help the region to come up with a solution that wouldn't open old sores and wounds. There were long discussions and some bitter arguments in the regional council over this situation. The provincial government was aware of it.

On November 23 the regional council was finally able to hammer out a position unanimously after long and hard argument that was sent forward to the ministry, to Queen's Park. On December 7, the councillors showed up for their meeting and found that substantial changes had been made in their proposal.

Examples of the substantial changes I'm talking about are the sections of the bill that deal with who has the right to license in the municipality. They had thought that we should deal with the Hamilton-Wentworth region as one complete entity and allow one group to build an integrated transit system, and there's some merit to their argument. But the ministry wants to retain the right to license carriers and determine who the carriers will be—

Mr. Deputy Speaker: Will you keep your level of conversation down, please? It's difficult to hear the member who has the floor.

Mr. Davison: —in the entire region, with the exception of Hamilton itself and some parts of Ancaster, Dundas and Stoney Creek. Perhaps normally that wouldn't be too upsetting. That wouldn't be too frightening. But, given the problems that we see now in the Greyhound-Gray Coach dispute, it's the kind of thing that makes people very nervous. I think that some people see the possibility of a similar problem developing with the Ministry of Transportation and Communications having control over the transit system in part of the municipality. What that kind of insensitivity on the part of the various ministries involved does is pour salt on the wounds.

The other thing that didn't help greatly was that on December 7 at the council meeting it became clear to the councillors that they were basically confronted with a fait accompli. Sure, they could negotiate and they could suggest changes and, goodness knows, changes could be accepted by the government. But the hammer was that if you want to open it all up, if you want to make suggestions, if you want to have amendments brought, if you want changes to be made, okay, but you're not going to get the legislation by January 1. It's not going to be done during this sitting of the House. The councillors on December 7 were faced with the situation where they find out that the bill was not what they asked for; yet they have no recourse. It was made very clear to them in a very blunt, brutal fashion that there was no recourse; there was no way out. I don't think the interests of all the parties and of all the people are served when the government is so rigidly inflexible. I think we can accomplish a lot more with a certain degree of healthy cooperation instead of what amounts to government by decree.

My colleague from Wentworth earlier in the debate raised a very valid point and a very important point—that is, the way this

bill is drawn up without any mention of the employee. The bill falls terribly short of what it should be by that exclusion. The Municipality of Hamilton-Wentworth Act in chapter 74, 1973, section 27, which is a substantial section, a very long section, provides in some detail the kind of legislation that is needed to protect employees. I wish the government would take a look at that and give some very serious consideration to including a similar section or group of sections in this bill.

Perhaps we can go into that in some detail during the committee stage of the debate, and I look forward to continuing the argument that I've just outlined now at that time.

Mr. S. Smith: I'll just make a few brief remarks, Mr. Speaker.

[Applause.]

Mr. Moffatt: Few but noisy.

Mr. Speaker: Order, please. It's the hon. member's turn.

Mr. S. Smith: I have to wonder sometimes what the government really believes with regard to decentralization and with regard to the whole matter of local autonomy.

Mr. Hodgson: We wonder too about you.

Mr. S. Smith: For some strange reason the government has chosen to set up as the transit area under this bill a bounded area different from the region itself. It's hard to understand the reasoning behind this. If the region, after all, is suitable for tax collection, suitable for determining the way in which it's to do its planning, and suitable for setting up the incredible bureaucracy which has been foisted on the people of Hamilton and area, then it's hard to know why it is not suited, somehow or other, to making its own transportation decisions. It's difficult to know why it is that about half the region has to be left to the tender mercies of the Ministry of Transportation and Communications, whose wondrous abilities have recently surfaced with regard to the $10-million giveaway of public assets to the Greyhound company.

Hon. Mr. Handleman: It is the same red herrings.

Mr. S. Smith: It is amazing. I cannot help but wonder why it is—

Interjections.

Mr. Speaker: Order, please. The hon. member for Hamilton West only.

Mr. S. Smith: If Greyhound were even a sellout I wouldn't mind as much as it being a giveaway.

Interjections.

Mr. Speaker: Order.

Mr. S. Smith: However, one has to wonder why it is that half the region, approximately, is being left to the additional tender and brilliant mercies of the Ontario Highway Transport Board. The reason seems to be that the ministry fails to trust the region to make intelligent decisions with regard to permitting certain inter-urban transportation facilities actually to be licensed properly by the region.

Mr. Hodgson: You are going to do away with the regions; that is what you told me.

Mr. S. Smith: The fear is that certain inter-urban routes will be jeopardized because they will not be permitted to stop within the region to discharge or to pick up passengers, because the region may wish not to license certain of these inter-urban facilities and services. My own feeling about this is that it demonstrates very clearly that the source of regional decentralization that exists in the mind of the Treasurer (Mr. McKeough) and of this particular government is basically, "We'll let you do a little for yourself but mostly we'll keep the purse-strings, the decision-making power, here at Queen's Park." For some reason this government seems to believe that all the brains in Ontario are located in Queen's Park; they seem to believe as well that the other areas of Ontario cannot be trusted to make reasonable and rational decisions.

The region, when faced with the alternative of having absolutely no passage of this bill or accepting the bill pretty much as read and then attempting to amend it in the spring session, has voted in favour of accepting this bill. Consequently, we will not stand in the way of passage of this bill.

Some hon. members: Oh, oh.

Mr. Cunningham: You are all Tories.

Mr. S. Smith: I want to allay the disappointment of the members opposite. I know they were hoping to divide the House and have a Christmas election on the Hamilton-Wentworth bill, but some of the best plans sometimes go astray. Even the desires of the members opposite occasionally must run afoul.

We will have to accept that the bill will undoubtedly pass. But I trust that the mem-

bers opposite are prepared to come to Hamilton-Wentworth and to explain to the people on whom they foisted this whole stupid regional concept in the first place, why they don't trust it enough to let them handle their own transportation.

How is it that the government will let them handle the ability to raise taxes so that the Treasurer can renege on the Edmonton commitment? How is it they will trust them sufficiently to create a second department of planning, a second department of engineering, a second department of personnel—duplication all the way down the line, practically to a second city hall—but they won't trust them to do their own transportation? Let the members opposite explain to the people in the other half of Ancaster and in the other half of Dundas why they are not really members of their region when those members think they shouldn't be. Let them explain to them why their Ministry of Transportation and Communications and their brilliant Ontario Highway Transport Board has to keep the reins with regard to transport and not allow the people of the region to have their own licensing ability?

Mr. Norton: What is the principle of the bill? Back to the principle.

Mr. S. Smith: I am not happy with that: we will, however, acquiesce to the region's demand, and the vote which was taken at the regional meeting, to have this bill pass so that at least something will be in place. But I want further discussion at the regional council. I want further discussion, with good representation from the smaller communities in the north and in the east of our region. I want to be sure that I am on record as saying that I decry this government's two-faced attitude with regard to regions—

Some hon. members: Oh, oh.

Mr. S. Smith: —whereupon they are prepared to foist regional government on them, but they are not prepared to trust people sufficiently to actually make their own transportation decisions.

Mr. Roy: You are getting there. You've got Frank beside you.

Mr. S. Smith: I hope that the public trust which has been put in this government will not be violated and that they will bring back a bill similar to this one, with appropriate amendments, in the spring session.

Mr. Nixon: You are the terrible Tories.

Mr. Reid: You are the terrible violators.

Mr. Speaker: Does any other hon. member wish to speak to this bill? The parliamentary assistant.

Mr. S. Smith: Here comes the Supreme Court.

Mr. Speaker: Order, please; order! The member for Scarborough Centre.

Mr. Nixon: This will be great.

Mr. Drea: Mr. Speaker, far be it from me—

Mr. Roy: That's enough, Frank. Sit down.

Mr. Nixon: "In closing . . ."

Mr. Drea: Far be it from me to try to penetrate the soniferous mental processes of the last speaker—

An hon. member: Did you hear that, Pat?

Mr. Moffatt: Did you hear that, Sid?

Interjections.

Mr. Speaker: Order, please. The hon. member for Scarborough Centre.

Mr. Drea: I would like to draw to the attention of the House that there are two particular applications and two particular sections in this bill, which are part of the principle of the bill, that absolutely protect the Canada Coach subsidiary of the Hamilton Street Railway from any intrusion upon its public vehicle routes, which were conferred upon it by the Highway Transport Board.

One would think that someone who is such an expert on transportation, particularly in the bus field, who said only on the Monday of the Gray Coach debate that he understood Canada Coach might be sold—

Mr. Roy: There you go defending Greyhound again.

Mr. Drea: —would have looked at the transportation implications, particularly on the over-the-road routes. Secondly, as far as being a regional carrier, Canada Coach or whatever wholly owned subsidiary of the Hamilton Street Railway chooses to go into the regional or the suburban operation, is absolutely protected, because it is a monopoly.

[8:45]

Mr. Nixon: What do you mean whatever? It's Canada Coach. Are you trying to wear them down?

Mr. Drea: It is a monopoly that can only be broken by the vote of the regional council within the regional area.

Mr. Roy: What did we do to deserve this?

Mr. S. Smith: Give it to Greyhound.

Mr. Drea: It is the absolute conferring of a monopoly throughout an entire region upon the existing carrier.

Mr. Nixon: It is the power that this Legislature gives them.

Mr. Drea: Why this appals the leader of the Liberal Party is beyond me, because it is identical to Bill 55 which established Metropolitan Toronto.

Mr. Roy: We don't deserve this.

Mr. Speaker: Order, please.

Mr. Drea: It is entirely consistent with government transportation policy going back 20 years—

Mr. Cunningham: There is an awful lot beyond you.

Mr. Drea: —to the establishment of the first region, Metropolitan Toronto. It is identical in concept to the extension—

Mr. Cunningham: On a point of order, Mr. Speaker. Hello.

Mr. Speaker Does the hon. member have a point of order really?

Mr. Cunningham: Mr. Speaker, I want to draw to your attention that is not consistent with what has gone on in Ottawa-Carleton nor has it gone on in Metro region.

Mr. Speaker: Order, please. That is not a point of order. The hon. member is debating the issue.

Mr. Nixon: He probably doesn't want the member to mislead the House.

Interjections.

Mr. Speaker: Can we get on with the business of the House with a little more order, please? The hon. member for Scarborough Centre only.

Mr. S. Smith: He is leading the House amiss.

Mr. Conway: Shovel away.

Mr. Drea: It is entirely consistent with the transportation principles embodied in the original Metropolitan Toronto bill which did allow—

Mr. Cunningham: It is not.

Mr. Shore: Get back in your corner there.

Mr. Drea: —for the expansion of the existing municipal service, which was confined by and large to the city limits of Toronto and three suburban municipalities, to penetrate throughout the entire 13 municipalities as existed at that time. Without the concept of a regional government elsewhere at that time, it did set up a concept by which Gray Coach continued to be (a) a regional carrier and (b) maintained its over-the-road routes.

I find this entirely consistent with the transportation policies of the government. One would trust that the expansion of a regional service in the Wentworth area will prove beneficial in terms of the transportation of passengers—

Mr. Roy: You don't know what you are talking about.

Mr. Drea: —the alleviation of highway traffic congestion and an alternative to those who do not believe that the automobile is destined to be the sole means of transportation within a major urban area such as this.

Mr. Roy: Talk to the Premier (Mr. Davis) about that.

Mr. Speaker: Does any other hon. member wish to speak to this bill?

Mr. Nixon: Mr. Speaker, before the parliamentary assistant replies, I just want to echo the concerns expressed by my leader about the future of Canada Coach Lines because they serve an area much broader even than the Hamilton-Wentworth region. They get as far as Brantford even—

Mr. Breithaupt: Even.

Mr. Drea: And Buffalo.

Mr. Nixon: —and many other major communities in that part of the province. It would certainly be a disservice indeed to the community which I have the honour to represent, if I did not put before you, sir, the feelings that I have that, as a result of the present government policy, particularly relating to bus transportation that is owned or partly owned by a public transit authority, they are in some jeopardy. It would be a serious error indeed if this House were to move in a direction which would permit the Hamilton Street Railway authority in any way to interfere with the service that Canada Coach has provided for so many communities in southwestern Ontario.

Mr. Drea: They might want to sell it.

Mr. Nixon: I wanted to be sure, Mr. Speaker, that you are aware of my concerns, even though some of the back-bench members of the Conservative Party are interjecting with an indication that they're not concerned.

Mr. Drea: Don't knock us. You know it is going to happen.

Mr. Speaker: Order please.

Mr. Roy: Let the member for Scarborough Centre try to control himself.

Mr. Nixon: I would like to indicate to the minister who will be speaking soon that we're very much aware that government policy in support of these bus routes is something that might be best described, I suppose moderately, as inadequate and that we feel these communities are well served by the bus service of Canada Coach and we don't want anything to interfere with that.

Mr. Drea: You don't want better.

Mr. S. Smith: You don't care about the small towns, Frank.

Mr. Drea: You impeach the Supreme Court.

Mr. Speaker: Order, please, the parliamentary assistant only please. Order, order. The hon. parliamentary assistant.

Mr. Norton: I shall try to confine my remarks to responding to specific points that have been raised by the hon. members opposite during the course of the debate. In fact, I think I would perhaps be a little more fluent had the hon. member for Frontenac-Addington extended his generous hand to me and invited me to the caucus party that obviously the members opposite enjoyed this evening and I might have been able to rise to the occasion on the same basis as the hon. member for Hamilton West.

Mr. Breithaupt: We were not only there but we are here too.

Mr. Nixon: I understand you are not invited to many parties.

Mr. Norton: No, I am not, especially by the members opposite and especially by the hon. member for Frontenac-Addington. However, dealing first of all with the remarks by the hon. member for Hamilton West—

Mr. S. Smith: I can understand why you prefer our party to your party.

Mr. Speaker: Now, we are back at the bill. The hon. parliamentary assistant. A point of order.

Mr. McEwen: I would like to offer condolences to the member for Kingston and the Islands.

Mr. Eaton: He is going to make his first speech.

Mr. Speaker: Thank you. It's not really a point of order. The hon. parliamentary assistant.

Mr. Roy: In fact we are very gracious. We sent you a reject over there.

Mr. Norton: Any sign of a generous spirit from the hon. member for Frontenac-Addington is gratefully received by me.

An hon. member: It is called, no doubt, look out.

Mr. Norton: First of all, dealing with the comments of the hon. member for Hamilton West, he expressed concern particularly about what he interprets as the government's position with respect to local autonomy and allowing the local decision-making authority to, in this instance, participate fully in licensing operations within the boundaries of the regional municipality.

I would point out to him that in our discussions, which have been necessarily rather compressed in the last couple of weeks with the representatives of Hamilton-Wentworth, we discussed this. In view of their own experience with Canada Coach Lines in other regional municipalities where they were, by virtue of a decision of the regional municipality denied an opportunity to pick up or to let down passengers within the boundaries of those municipalities, they saw, I think, the reason for the concern that was expressed by the Ministry of Transportation and Communications.

A similar situation has arisen in Ottawa-Carleton where, prior to the general authority to license that was granted, there were effective transportation routes starting outside the regional boundaries and terminating within the regional boundaries. Because of a policy that was implemented on the licensing basis to restrict these lines from picking up or letting out passengers, some of them, in effect, have been forced out of operation. The result has been that people living just outside the regional boundaries simply do not have any effective means of transporta-

tion into the Ottawa-Carleton region in some instances. Now recognizing that certainly there is a—

Interjection.

Mr. Norton: I was using Ottawa-Carleton as an example of a problem that could result.

Mr. Nixon: When are you going to improve transportation down there?

Mr. Norton: Bearing those kinds of problems in mind and recognizing that the province clearly does have a responsibility with respect to intercity transportation, one that it cannot ignore, if the Ministry of Transportation and Communications requested that in those areas outside the urban transit service area as defined in the legislation, they would retain some input at the discretion of the minister to avoid the kind of problem that had developed in some other situations.

. Now, the hon. member from Hamilton Centre expressed similar concerns about licensing and the continuing involvement to a limited extent by the Ministry of Transportation and Communications. I am not sure whether it is clear. I don't have a map but, if I can just explain that, there are three areas defined within the legislation.

First of all there is the urban transit area which is defined according to the boundaries of the city of Hamilton. At least part of the reason for that was to guarantee the city of Hamilton that it would not suffer as a result of the decision that has been made to transfer its interest in the Hamilton Street Railway and Canada Coach to the regional government.

The other area that is defined is the urban transit service area which extends beyond the boundaries of the city and includes those areas outside the city that are presently serviced by the transit system. It's only outside that area where there is any input from MTC under any circumstances. Within the urban transit service area, the municipality has the total authority with respect to licensing and the provision of transit. Even outside the urban transit service area, where the routes may begin and end within a single or area municipality, the region would have complete and total jurisdiction. It's principally in cases of through transit that the MTC would retain an interest in terms of there being some ministerial discretion involved.

This is there in order to protect the integrity of intercity transit. I'm sure the member for Hamilton Centre would not deny that there is a provincial interest in maintaining effective intercity transit and that it should not be subjected to the kinds of things perhaps that Canada Coach has experienced in its own operations in other municipalities.

The suggestion by the hon. member that the government was in any way imposing or being heavy-handed in this situation, I hope was based at least upon ignorance, if not an excessive measure of unfairness under the circumstances. We became aware a little over two weeks ago that finally after two and a half to three years' negotiation an agreement had been arrived at by the municipalities within the Hamilton-Wentworth region. To say that we have in any way delayed or made this situation more difficult, I think is very unfair, because the staff in our ministry have literally been working weekends trying to make the necessary preparations in order that this legislation could be before the House before the end of this session. On top of that, we have had staff taken away from their regular duties. We have spent full days in meetings with representatives from the region, trying to hammer out details.

Ultimately, that led to a meeting last Saturday in the region where, at a vote of 15 to three, the members of the regional council who were present supported the legislation as presently drafted and before the House. In fact, we are advised that those three who were opposed to it were the only three and had the full council been present the vote would still have been only three in opposition. It would have been desirable that it be unanimous, but given the circumstances and the long period of time over which negotiations took place, perhaps that was almost too much to hope for.

We have tried in every respect to accommodate the interests of the area municipalities and to protect those interests, and I think we have done it effectively in this legislation. We have tried to protect the interests of the city of Hamilton particularly where they have had an asset which they are transferring to the regional municipality and to protect the provincial interest, that is, the people of the province in terms of maintaining a reasonable level of intercity transit.

Under all of the circumstances, I think the legislation we have before us meets those needs as well as any legislation could. I suppose there is one other area I would like to touch upon very briefly and perhaps expand upon, that is, the protection of the smaller municipalities or the rural municipalities as has been raised by two or three of the speakers opposite.

[9:00]

Under the present legislation, in order for service to be expanded into the various municipalities beyond the present level of service, an agreement will be required between the regional municipality and the area municipality. Such agreement will arise at the instance of the area municipality and will include the details of the financing of such service. Disagreement on details of financing is subject to appeal for a determination by the Ontario Municipal Board.

One change that was suggested by us and has been accepted by the region was, where there was a request for additional service, the regional municipality was required to make every effort to provide it. The language of the Act was changed to make that mandatory.

I know of nothing else we can do to increase the protection of the area municipality. They have financial protection, they have protection of a level of service they may require or desire or request.

The suggestion of the hon. member for Wentworth North with respect to employee protection I think is something that clearly we anticipated—not his suggestion, but we anticipated that that would happen in any event. We have no problem in introducing an amendment that should meet his requirements or his concerns and the concerns of the employees. I would propose to do that in committee along with some other drafting amendments that we propose to introduce at that time.

Motion agreed to.

Ordered for committee of the whole House.

WINE CONTENT ACT

Hon. Mr. Handleman moved second reading of Bill 135, An Act to provide for the limited inclusion of Grapes grown outside Ontario in Ontario Wine.

Mr. Speaker: The hon. member for Durham East.

Mr. Conway: The little old wine-maker.

Mr. Moffatt: Mr. Speaker, I am going to be very brief.

[Applause.]

Mr. Moffatt: That's the most concerted applause the Liberal Party has ever given me, and I appreciate it.

Mr. Nixon: It's the best speech you ever made.

Mr. Breithaupt: And the best reason to applaud.

Mr. Moffatt: It's not often the Liberal Party agrees on anything.

This particular bill, as proposed by the minister, has a number of areas where we feel it is sadly deficient. It proposes that experimentation will not be carried on in a limited fashion but rather on an across-the-industry basis; it in fact has grave ramifications for people involved in the growing of wine grapes in the province of Ontario; it takes no account of some of the representations that have been made to the minister and to various people within the ministry—

Hon. Mr. Welch: That is not true; the minister has responded very well.

Mr. Moffatt: This particular bill—

Interjections.

Mr. Speaker: Order, please. The hon. member has the floor.

Mr. Moffatt: This particular bill, if it is put forward in its present fashion and is allowed to stand, would, we feel, lead to a disservice for people who are involved in an extended fashion in the growing of grapes for wine. It may indeed pose some difficulties for some of the domestic wineries in the province of Ontario. This party intends to vote against Bill 135 on second reading.

Mr. Hall: Mr. Speaker, I look forward to discussing this bill, because unlike the member for Durham East, I come from grape-growing country.

Hon. Mr. Welch: A great riding known as Lincoln.

Mr. Kerrio: I'll drink to that.

Mr. Hall: It is an interesting point, because we are concerned with the preservation of agricultural lands and I have to tell you that the unique lands that we possess are in large measure growing grapes.

Despite the promotion of the wine industry, and the Ontario Grape Growers' Marketing Board the production of grapes in Ontario is in excess of current usage, both for the manufacturer of grape juice and the manufacturer of wines in Ontario. Despite the fact that vinifera and hybrid vines have come into play in large measure in the peninsula in recent years, I have certain statistics which are rather discouraging to the people who grow the vines, irrespective

of the feelings of the member for Durham East.

Hon. Mr. Welch: As a consumer.

Interjections.

Mr. Hall: In the calendar year between 1974 and 1975, the sales by gallon of wines made in Ontario went down 188,262 gallons. At the same time imported wines went up some 645,921 gallons.

Hon. Mr. Timbrell: The Liberal Party made it all up tonight.

Mr. Hall: Part of the problem in connection with this, is that the wines which are imported into Canada are in large measure subsidized by the government of the country of origin to obtain Canadian dollars. Our wine industry stands on its own two feet. It negotiates with the marketing board for the wines on an annual basis. It has nine categories of price and it also, like any free enterprise business in Canada, pays its property taxes and its corporation taxes when it does make a profit.

I have a long association with the grape-growing industry in this Peninsula, partly through my father-in-law who 22 years ago was involved in the Ontario Grape Growers' Co-operative and was concerned about the manufacture of grape juice through what is known as Welch's in St. Catharines.

Not many people know that the government House leader is a multi-millionaire.

Hon. Mr. Welch: Including the House leader himself.

Mr. Conway: How about the member for St. Catharines (Mr. Johnston)?

Mr. Hall: However, the information that has been given to me is that the Ontario Wine Council and the Ontario Grape Growers' Marketing Board have met with the Ontario Ministry of Agriculture and Food and discussed a programme which will assist in the improvement of the wine industry.

It includes certain things which have already happened; the reduction of the mark-up charged by the LCBO; the broadening of attitude with regard to outlets for wine sales; the concept of a wine standard being developed between the industry and the growers and this wine blending bill.

Mr. Eaton: Don't forget the programme for the vining too.

Mr. Hall: The vine conversion programme has not worked out too well, if I could respond to the member for London Middlesex, because the wineries themselves are concerned about what varieties to plant, trying to guess what the taste of the consumer is. I have to tell you in the straightest terms that as a long-term resident of Grimsby and an occasional consumer of our native product—

Mr. Conway: No!

An hon. member: I don't believe it.

Mr. Hall: I'll ignore that.

Mr. Nixon: That's a fact.

Mr. B. Newman: Yes, it is the best.

Mr. Hall: I have to say that for some time I've consumed Ontario wines in moderation and—

Mr. Nixon: That's all.

Mr. Hall: —and I think that those of us who haven't tried them really are—

Mr. Nixon: Shouldn't knock them.

Mr. Hall: —very short-sighted. While I'm on the subject I must point out that—

Interjections.

Mr. Hall: I have to point out that when I came here in the fall of 1957, the wine list for our own legislative dining room had several foreign varieties listed by brand.

Mr. Nixon: That's right.

Mr. Samis: Shame.

Hon. Mr. Handleman: Shame.

Mr. Hall: The guiding fathers of this establishment had Canadian wines listed as domestic red and white.

Mr. Nixon: The member for Lincoln changed all that.

Interjections.

Mr. Hall: I must continue to say that after some co-operative dialogue with the previous member for Lincoln, the Minister of Culture and Recreation, and some persistence, one will now find that Ontario wines are recognized in the dining room of the legislative assembly by brand name.

Mr. Kerrio: Next move to the feds.

Interjections.

Mr. Hall: This is a very small point in terms of wine consumption, I'm sure, but

nevertheless to the wineries who are trying to make their mark and trying to buy Canadian, the responses that I've had have been most complimentary. They really appreciate having a prestige listing of Ontario wines in our own legislative dining room.

This is all part and parcel of an effort that the ministry is trying to make, the wine council is trying to make, and the Ontario Grape Growers' Marketing Board is trying to make.

Mr. Nixon: And the Minister of Revenue (Mr. Meen) is interested in it as well.

Mr. Roy: And we as consumers are contributing as well.

Hon. Mr. Handleman: Exactly. That's for sure.

An hon. member: How about bootlegging?

Mr. Hall: There are several interruptions here but I'm sticking to my point.

Mr. Nixon: You're doing a great job.

Mr. Hall: We're trying to introduce wine-blending because it is a fact that the soils where a certain wine grape is grown, such as a Marechal Foch grown in the Niagara Peninsula, give it a different taste from the same wine grape grown in France. The reason is only because of the soil conditions themselves. The concept that has been suggested by the industry, and I must say all segments of the industry, is that amelioration will be produced by certain blending in a limited quantity.

The Liberal caucus has discussed this and we support the bill subject to two changes. First of all, relative to the explanatory notes, the bill deserves a little attention in that it should be modified to say that in the first paragraph the last sentence should be deleted. It should be changed to read that the authorization to manufacture the wine expires on December 31, 1981.

Mr. Nixon: Did the government get it wrong?

Mr. Breithaupt: Again?

Mr. Nixon: Again.

Mr. Speaker: Perhaps the hon. member's suggestion might await the proper inclusion at the appropriate time.

Mr. Hall: Is it in order for me to make another amendment then?

Mr. Speaker: Not at this point, no. The explanatory notes are not part of the bill, but if it goes into committee of the whole—

Mr. Roy: He could make fleeting mention of what he has in mind, though.

Mr. Speaker: —then the hon. member may move an amendment.

Mr. Hall: I will just wander around a little bit, and hope I touch on the points involved, because I am concerned about a couple of things.

Mr. Speaker: Just on the principle of the bill.

[9:15]

Mr. Kerrio: Oh, we're going to wander around on the principle of the bill.

Mr. Hall: Most clearly the principle of the bill and the regulations which will be the subject of further discussion by the Ontario Grape Growers' Marketing Board and the Wine Council and the government have to concern themselves with the percentage of blending allowed. I don't want to delve into all the regulations tonight; but there is one item that has to be clearly stated, and it is the principle of the bill: That is that the purpose is to permit the introduction of grapes grown outside of Ontario and imported wine into wine manufactured in Ontario without reducing the content of Ontario grapes in the wine so manufactured.

This, to a certain extent, may be redundant considering the regulations that are proposed; but for the purposes of understanding of the many growers, small and large, in the Niagara Peninsula, I think that it is very important that it be understood that with regard to the importation of grapes and/or wine, that the Ontario grape content of said wine will not be reduced. This is the point that I wish to make when we go into clause by clause consideration.

The programme, as has been noted, is a five-year programme. The information I have is that it's desirable that it be reviewed—by the growers on the one hand and the wine manufacturers on the other—on an annual basis. Then the percentages of blending, which are to a certain extent a judgement call at this point, and the availability of the actual grapes to produce wine, which may vary from year to year, will have an occasion to be measured. It happens that we have had two highly productive years of grapes; but this might not necessarily be the case, and production management in grapes is not an available facility for us all.

So as one speaker on the bill, I have to compliment the government for co-operating and working with the Wine Council and the Ontario Grape Growers' Marketing Board to produce legislation, which in the opinion of all will assist the wine-growing industry and the grape-growing industry and the aspect of land preservation in the Niagara Peninsula. At the same time, we will be pursuing an amendment to the Act which will make it patently clear to the grower that whether the market buys more or less wine as a result of this legislation, the Canadian content will not suffer in any way whatsoever.

We really should give our Ontario wines a better chance. This industry and the Grape Growers' Marketing Board and the government, through its vine conversion programme and its reduction of price, its attempt to establish wine standards, are all taking meaningful steps to strengthen the grape and wine industry in Ontario. I think this bill is a forward step and it is a part of an ongoing effort, and a co-operative effort by everyone involved, to sustain and enhance an industry against very difficult competition from foreign countries that we have no control over in terms of content and in terms of price.

So I compliment the minister for bringing this bill forward. And I am satisfied, after having checked with both aspects of the industry, that it's a bill that they wish to have passed into legislation. Thank you.

Hon. Mr. Welch: For many reasons which I hope will become obvious I am anxious to speak to the support of second reading of Bill 135. The principle of the bill, of course, calls for—I was going to say for the first time, although there was one exception made with respect to legislation two or three years ago—the blending of imported grapes in wine with respect to the Ontario product. I think there are some things that should be put on the record.

I want to associate myself with the supportive comments of the member for Lincoln, a riding which I had the privilege of representing for a number of years. Indeed, recognizing the fact which I hope the House will recognize that when one thinks in terms of grape-growing in the whole Dominion of Canada, I suppose it's fair to say that 70 to 75 per cent of all the grapes grown in Canada are grown in the Peninsula. The economic viability of this industry is tremendously important to hundreds of families in the Peninsula, many of which reside in the great —although new—riding of Brock and, indeed, other ridings which, of course, make up the Peninsula.

I think the important thing to recognize, if I may put it on the record this way, is that they are talking about blending, which is not an unusual or a unique situation with respect to quality wine. I am advised that blending is in fact a fairly widely practised art with respect to quality control and fairly essential in the evolution of quality wines.

I also point out that I would not be associated with this bill in any way if it did not have the unanimous support of both the producer and the processer. Indeed, the Ontario Grape Growers' Marketing Board are on record—and I think it should be clearly understood here—that the producers in the riding of Brock, the producers in the Peninsula, are supporters of this particular legislation. The processers indeed associate themselves in a fairly enthusiastic way with it as well.

I think that this is worthy of note. The member for Lincoln and others will understand that over a period of years there have been many efforts to bring together the producer and the processer in the interests of the industry to develop some type of wine standards which in fact would enable us to carry on the development of this industry.

I think too one of the reasons—it has to be said quite frankly—is that we have been in an area where there have been significant surpluses in the production of grapes. I am somewhat disturbed—although I understand in the process people have their own reasons —but if in fact we are serious, and I speak to the official opposition of this House, about the preservation of food lands and agricultural lands, surely there has to be with it the assumption that there is some economic viability with respect to agricultural production.

We have to be sure that those who are engaged in this activity can make a living from the land and that is determined by the market place in this particular commodity and it's the ability to compete for the interest and the support of the consumer. My colleague, the member for Lincoln, has pointed out, as others in the House could well point out as one reviews the consumer demand with respect to this particular beverage, the fact that there have been some inroads made with respect to the imported product in this jurisdiction.

I think it's important also to note in this whole area of the formula, which has been agreed upon with respect to blending—and I'm sure the minister would share this with the House when the regulations are being discussed, because the Ministry of Agriculture

and Food has played a very significant role in the development of the dialogue between the producer and the processer here in the ultimate development of an acceptable formula—that the one very significant result is that more Ontario grapes will be purchased by the processers.

It's much a part—in fact, a condition—of the whole blending procedure, as I understand it, that less wine can be made from a ton Ontario grapes; therefore, the Ontario processer will have to buy more Ontario grapes. Indeed, by the reduction in the amount of wine that can be made from a ton of grapes—from 250 gallons to 200 gallons—there's that much less water and that much less sugar, which is also a contributory factor, along with the blending of the foreign materials in the attempts to improve the quality of the product.

Mr. Nixon: They have been adding water all these years, haven't they?

Hon. Mr. Welch: I think that is a very important part of the formula, along with other conditions with respect to limitations on the amount of imported materials that can be used in the blending operation; in fact, the Ontario producer will sell more of his grapes. I would think the interest of the consumer, the whole question of the attraction of the consumer to certain products, obviously has to be a very important consideration in the marketplace, and I say once again how particularly pleased I am that the producers and the processers have been able to arrive at some understanding and some agreement.

I think one should also point out, as one speaks to the principle of this bill which deals with blending in an attempt to develop a quality wine that would continue to take part in the marketplace and attract consumer interest, that this legislation is for a term definite. In other words, it's not an unconditional piece of legislation; it is quite clearly understood that it expires at the end of a certain period of time. That's in the legislation itself, and I think that's fairly important.

Mr. Renwick: Don't you think it is irreversible?

Hon. Mr. Welch: Any change in that legislation would have to be brought to the floor of the Legislature, and the Legislature would have control of that situation with respect to the term.

I point that out because, as a member for the area—

Mr. Nixon: The only one.

Hon. Mr. Welch: —it's a very depressing experience, when one thinks of the investment that people have with respect to their lands, with respect to the labour costs at the time of pruning, preparation, spraying and all of the pre-harvesting expense that's involved, to see literally hundreds of tons of grapes on vines in the area which I represent and to know they are without a market. It's against this background that the growers, whom I have the privilege to represent, through their marketing board have made it clear to my colleague, the minister who is responsible for this legislation, that they are supportive of this attempt to increase the demand of the consumer for their grapes and indeed anything which, of course, is to be part of the improvement of the quality of the product which the processer makes.

I think too—and I wouldn't want to prolong the debate, because others obviously want to associate themselves with this legislation in a positive way—

Mr. Conway: Is the member for St. Catharines labouring in the vineyard?

Hon. Mr. Welch: I think it is very important, when one recognizes the whole world situation with respect to wine. If we're very serious about the whole concept and question of cultural nationalism—and I'm one who is—certainly with our wine, representative of the soil and the climate of a particular area, we have something which is uniquely identifiable as our own.

Mr. Nixon: Right.

Hon. Mr. Welch: I think that is something quite important and something we shouldn't apologize for.

Interjections.

Hon. Mr. Welch: I would also like to point out—it's unfortunate Hansard can't record all that's said in this particular Legislature or indicated—

Mr. Nixon: What has been said that has not been recorded?

[9:30]

Hon. Mr. Welch: —but I think it is essential to recognize that in this particular product many of our wineries have in fact enjoyed positions of prestige in various competitions. I think there's a certain snobbery that attaches itself to this question, that people sort of think it has to be imported to be good, and that it has to have a high-sounding name in order to be impressive.

I think, too, and if I can be fairly up-front and blunt, when one thinks in terms of the many and fine eating places in this province, one also recognizes that one's extra income is related to what's called the gratuity—

Mr. Peterson: We don't take them in this party.

Hon. Mr. Welch: —and the gratuity has some association with the ultimate price of the product, because the more expensive the bottle, the more generous the tip.

Mr. Conway: Only on a cabinet minister's salary.

Hon. Mr. Welch: What we find many people in these places doing is pushing the higher-priced commodity.

Mr. Renwick: Who sets the prices?

Mr. Nixon: Bright's President is $8 a bottle; 80 cents minimum tip.

Mr. Speaker: Order, please. The hon. minister only has the floor.

Hon. Mr. Welch: I thought I was really sharing some very significant information with members of the House. I am surprised at the reaction.

Mr. Nixon: Well, we are stimulated.

Hon. Mr. Welch: I think in terms of the local product being representative of our particular area—as the member for Lincoln said with respect to our climate and our soil—it's something that it is particularly important we support. Indeed, inasmuch as we have the position of the producer and of the processer unanimously in support of this legislation, we should do all we can to encourage the passage of this bill and the regulations which will follow.

To sum up, one reason that I support the bill is that both the producer and the processer certainly see this as a fairly important development with respect to their continuing ability to compete in the marketplace. It's for a term definite, which will give us an opportunity to review the impact of this particular process of blending. I say this to my friends opposite: If we are serious about the preservation of agricultural land in the Peninsula—and when one thinks in terms of the very large percentage of that land which is in grape growing and grape production—it is absolutely essential that we ensure the grape growers of the Niagara Peninsula can really make a living from the land. Those who will determine that, of course, are the consumers who ultimately make their decision with respect to the processed product—in this case, wine.

Mr. Nixon: Without Gene Whelan, they wouldn't have done very well this fall.

Hon. Mr. Welch: Let me say, Gene Whelan did come to the rescue of the grape growers—

Mr. Nixon: Right.

Mr. B. Newman: He always comes to the rescue.

Hon. Mr. Welch: —after the year before. This government was indeed influenced to do something about this—

Mr. Nixon: Yes, that was election year.

Hon. Mr. Welch: —and this year did something about it as well by making it possible for the Grape Growers Marketing Board to increase its inventory of local concentrate for purposes of the development of an Ontario brandy industry.

Mr. Nixon: Heaven help the grape growers if you ever get a majority again.

Hon. Mr. Welch: However, I am sure that others would like to take part in this debate.

Mr. Peterson: No, we are enjoying you, Bob. Keep going.

Hon. Mr. Welch: I would just urge my friends opposite to reconsider their position and to make this the unanimous decision of the House.

Mr. Deans: Mr. Speaker, I am bitterly disappointed in the comments of the Minister of Culture and Recreation. I never thought I would see the day when he would be sucked in by the claims of certain people in the province of Ontario. I have got to tell the members that I never thought I would see the day in this House when he would stand up and talk about the wine industry in the way that he has and completely ignore what they themselves have said. I read to you from, not the wine industry, the grape growers to begin with; the wine industry we will deal with in a moment.

Hon. Mr. Welch: That's my main interest. My main interest is the grape growers.

Mr. Deans: That's my main interest and I wish that were the main interest of the minister's colleagues.

Mr. Renwick: And the bill.

Mr. Deans: I thought the minister and I shared their concerns but I wondered as I listened to him speak tonight. Let me read to the House from the Grape Grower of October 1976, under the heading "Board Comment": "Our wines find favour with world experts. Are we telling the consumers about it? Ontario wineries have demonstrated their capacity to produce a complete range of wines to satisfy virtually all public demands and taste preferences."

If the grape growers are saying that from knowledge they have gained from discussions they have had with the experts in the field around the world, then what it is that we are producing now must surely be a saleable commodity. If the wine experts of the world are saying the wineries of Ontario, given the conditions they work under at present are capable of producing a wine that meets virtually every taste of all of the consumers in this area, then why are we now running the grave risks that this bill brings about? Why are we now taking the chances that this bill requires us to take? Why are we now entering into an irreversible process that will ultimately mean the destruction of the grape production industry of this province at this time in the province of Ontario?

Interjections.

Mr. Deans: I've listened to the minister and I'm quoting from the people who are most concerned.

Hon. Mr. Welch: That's not what they say at all. You haven't been reading what they said.

Mr. Speaker: Order, please. The hon. member for Wentworth has the floor.

Mr. Deans: Let me go on. I want to give you the benefit of what has been written by the people the minister pretends to be representing. The Grape Grower says: "European wine-tasters now assure us that Ontario wines are perfectly acceptable—"

Mr. Kerrio: Why don't they buy them, then?

Mr. Deans: "—and this is a distinct compliment for Ontario-grown wines and also well-earned recognition of the calibre of our product."

Mr. Makarchuk: That's in addition to all the guys who sit in the House.

Mr. Kerrio: Sell them one case.

Mr. Deans: If the minister wants to tell me that the Ontario Grape Grower, volume 9, number 4, October, 1976, published by the Ontario Grape Growers' Marketing Board in St. Catharines, is misrepresenting the facts, then let him stand up and say so.

Hon. Mr. Welch: Mr. Speaker, on a point of order.

Mr. Speaker: What is your point of order?

Hon. Mr. Welch: I think it's important to get the record straight. No one is disputing what the hon. member is in fact reading from the newsletter. What we don't particularly associate with the newsletter is his own personal comment and his editorializing.

Mr. Renwick: That's not a point of order. You can't speak twice.

Mr. Nixon: What are you standing up for then?

Mr. Speaker: Order, please. The hon. member is presenting his viewpoint and illustrating it.

Mr. Renwick: The government House leader should know better.

Mr. Speaker: I think fewer interjections would lend a lot more to the calibre of this debate. The hon. member for Wentworth.

Mr. Nixon: He is trying to put new wine into old bottles.

Mr. Speaker: The hon. member for Wentworth only.

Mr. Deans: Thank you, Mr. Speaker. I appreciate you protecting me from the misinformation that the government House leader attempted to place before the House.

Hon. Mr. Welch: Withdraw.

Mr. Speaker: It's an interpretation here.

Mr. Conway: Strut along.

Mr. Speaker: Order, please. The hon. member for Wentworth.

Mr. Deans: They go on to say the following: "All sides of our industry must share in the responsibility to promote and communicate, whether they are self-employed grape growers or involved in any level of operations with Ontario's 10 wineries. Competition for wine sales is particularly strong in this province. Most sales are processed through the LCBO outlets which are now to provide a fairer amount of display space for Ontario

wine. Even so, the plurality of LCBO listings or sales opportunities continue to favour foreign product by a margin of two to one."

That's where we begin and I think that's where the government is beginning. But I don't think it begins by dismantling the guts of the wine industry and the guts of the grape-growing industry in the province of Ontario in an effort to try to find something that is not necessarily better but something that someone says he likes the taste of. If the government is trying to produce a product that is the same as another product, there is nothing in history that would record that that will necessarily be more saleable than the original. That's what it is trying to do.

Hon. Mr. Handleman: No, we are not trying to do that at all.

Mr. Deans: What we're talking about here is a wine industry that for years has failed to advertise the product that it sold, has failed to address itself to the production of quality table wine, and was satisfied to provide low-quality wines. Now, because there is competition—which, incidentally, I would have expected the minister to be in favour of—for the product, and they are being required to upgrade, to advertise and to spend some of the money they made over the years on the sale of inferior wines, we find ourselves faced with the request that they be allowed to blend.

Hon. Mr. Handleman: They are not inferior.

Mr. Deans: I say that this blending process is, in fact, irreversible.

Hon. Mr. Welch: It is optional—and reversible.

Hon. Mr. Handleman: It is only irreversible if it succeeds and it will succeed.

Mr. Deans: It is not optional to this extent, that no winery can afford to take the chance—no matter how remote that chance may be—no winery can afford to take the chance of not entering into the use of imported products for fear that in the long run it may prove to be to someone else's benefit. That's the difficulty we're faced with.

Hon. Mr. Handleman: They go in and out of it every two months.

Mr. Deans: Not only that, but at this point in time the winery that uses the largest single number of Ontario-grown grapes doesn't even fit within the definitions as set out in the Act; so they would be unable to use the Act—

Hon. Mr. Handleman: Are you looking for a donation?

Mr. Deans: I'm telling you the truth, and you know it to be the truth. You can say what you like, and if you are inferring that I'm saying this because I think I'll get a political donation, I urge you to rise on your feet and say so. If that's what you're pretending, if that's what you're whispering under your breath, I suggest to the Speaker that that's quite out of order.

Interjections.

Mr. Kerrio: Mr. Speaker, who is he talking to?

Mr. Speaker: Order, please. I think if the hon. member would speak to the Chair, it might be more peaceful.

Mr. Deans: Yes, thank you, Mr. Speaker. I am glad you asked me to do that; in fact, you would appreciate this, because you enjoy wine. The winery that uses the single largest tonnage of Ontario-grown grapes is to be excluded from the use of this Act.

Hon. Mr. Handleman: Absolutely not.

Mr. Deans: Absolutely.

Hon. Mr. Handleman: Absolutely not. Speak to the president.

Mr. Deans: This Act doesn't even allow them to take part.

Hon. Mr. Handleman: Speak to the president.

Mr. Deans: Then the minister doesn't understand his own Act if he thinks it does. I've spoken to Joe Peller and I know.

Hon. Mr. Handleman: I was talking to him today.

Mr. Kerrio: I talked to him on Sunday.

Mr. Deans: So did I. I think what we have to be considering is whether we are able to hold our current market share and to test in the marketplace whether, in fact, blended wines would be more saleable. We shouldn't impose this particular Act on the entire industry—

Hon. Mr. Welch: It's optional.

Mr. Deans: It is not optional.

Hon. Mr. Welch: We are not imposing anything.

Mr. Deans: It is optional for no one, because once it comes in, each winery by definition would have to become part of it.

Hon. Mr. Welch: It's optional!

Mr. Speaker: Order, please. The hon. member for Wentworth will speak to the bill through the Chair, please.

Hon. Mr. Welch: In fact, to the principle of the bill.

Mr. Speaker: Order, please. The government House leader will refrain from making interjections.

Mr. Kerrio: He is being provocative.

Mr. Deans: I would have thought that the proper approach to determining whether the blending of wines would provide a more saleable product would have been to have allowed the various wineries—the 10 wineries or those who chose to take advantage of it—the option of putting on the market one or two product lines blended to whatever specifications we determined were suitable, and then attempted to find out whether those, if advertised in the same way as the current wines are advertised, would sell more readily than the wines that are currently produced.

What I am going to suggest is this: If they used the same level of advertising that they use for most of the wines they produce today, I doubt very much whether those wines, blended or otherwise, would make any impact at all on the wine drinkers of the province of Ontario. I think that's where the difficulty lies. What I see happening over the next five to 10 years is a continuous erosion. We'll find the wineries saying, "What you have allowed us now is not really enough. What we really need is just a little more to blend, because we think we've almost got it done." And, little by little, we are going to erode the farm community of the province of Ontario and we are going to reduce the marketability of the grapes we grow.

[9:45]

Hon. Mr. Welch: That would be disastrous.

Hon. Mr. Handleman: That's what happened in France, Portugal, Spain, and everywhere you buy it.

Mr. Deans: That's what the outcome of this bill will be if I can ignore the interjections of my friends, we have a great difficulty in believing that this bill will be beneficial to the farmers of the province of Ontario.

Hon. Mr. Welch: I wouldn't support it if I didn't believe in it.

Mr. Deans: You may believe in it if you like, but you've believed in other things that were wrong. I've seen you stand up and vote for them.

Mr. Speaker: Order, please. The hon. member for Wentworth only, and to the Chair.

Mr. Conway: Shove along.

Mr. Deans: Let me tell you, and I know that the member for Brock will agree with me on this, even now in the province of Ontario, the Inniskillen Winery produces wine of a sufficient quality to sell reasonably well in competitive situations with most any other wine. It is produced in Ontario of Ontario grapes.

Hon. Mr. Welch: And they could continue to do that.

Mr. Deans: If they can do that in Brock, there is no reason at all why the other wineries across southern Ontario cannot do likewise. If they can produce a product that meets the tastes of the wine drinkers of the province of Ontario, among which I'm really not one, if they can find a sufficient blend of Ontario-grown product to enable them to put into the marketplace something that is saleable in competition with the wines that are brought in from outside, then I say that that can be done by the others.

If you were saying to me, as you did two years ago or more, that what we're doing is a short-term deal—

Mr. Nixon: That's when you supported the government.

Mr. Deans: —to be phased out as we produce grapes in the province of Ontario that will be suitable for blending purposes with the already grown grapes to ensure that the quality of the wine that will be produced will be that similar to that being produced by that winery in Brock in the riding of the House leader for the government, then I would say we would give some serious consideration to approving that.

But what you're saying to me is that you're going to allow them to begin this process of bringing in wine at this point in small quantities. In five years' time I predict it will be in larger quantities to the extent that there will be a lesser and lesser amount of Ontario-grown product in the finished wine.

Hon. Mr. Welch: That would be unfortunate.

Mr. Deans: It would not only be unfortunate but it would be unfortunate in retrospect if we did it and discovered that that in fact was what would happen.

Mr. Reid: Meanwhile we should destroy it all.

Mr. Deans: It is predictable that that will happen.

Mr. Nixon: You voted for it in 1971.

Mr. Speaker: Order, please. The hon. member for Wentworth only, speaking through the Chair, if he would please.

Mr. Deans: I am, sir—

Mr. Kerrio: He's a free enterpriser, now.

Mr. Deans: —I want you to know that I don't have to be looking at you to speak to you.

Mr. Conway: That you should be so lucky, Mr. Speaker.

Mr. Reid: The Speaker should assemble some of the product tonight.

Mr. Deans: Why did you allow the Liberals to have a party tonight?

The question that faces me is where do we have to place the protection? We're in a situation at the moment where the wineries are not faced with imminent disaster. We're in a situation where the largest single user of Ontario-grown product is doing very well, thank you very much, and the others can do likewise if they wanted to apply themselves. A winery in Ontario, one of the 10, is producing a table wine from Ontario-grown product that matches anything else that is produced in the same line.

Hon. Mr. Handleman: In what quantity?

Mr. Deans: The quantity is simply the result of us having not been more vigorous in our attempts to grow the hybrid grape. Had you been more vigorous, had you established some reasonable standards for advertising—

Mr. Reid: And nobody would be in business today.

Mr. Deans: —had you insisted that the LCBO give at least the same degree of preference to Ontario product that they have given over the years to imported products and had you insisted that we in Ontario speak as highly of the wine product of the province of Ontario as many do of the imported product, then I suggest to you, Mr. Speaker, and through you to the minister in charge, that we wouldn't be faced with this bill tonight.

Mr. Reid: And to those people it all tastes like vinegar.

Mr. Deans: The largest single problem facing the wineries is a marketing problem. It is a lack of desire to attempt to market and to advertise their product. And for many, many years—

Mr. Reid: We drink a lot of Canadian—

Mr. Speaker: Order please. The hon. member for Wentworth has the floor, not the member for Rainy River. Thank you.

Mr. Kerrio: Ask him what wine he drinks.

Mr. Speaker: The hon. member for Wentworth.

Mr. Deans: For many, many years there was virtually no wine advertising done in the province of Ontario—

Mr. Reid: Mr. Speaker, in Rainy River we drink—

Mr. Deans: Virtually none.

Mr. Reid: —a lot of Ontario wine.

Mr. Deans: And on top of that it was the common quiet discussion that only so-called "winos" drank Ontario wine. It was degrading to the industry and it reduced the capacity of the industry to sell its product.

Mr. Reid: Only the NDP would make that kind of statement.

Mr. Deans: And the government failed to enter into any discussion at that time—

Mr. Reid: Whoever said that, other than the NDP?

Mr. Speaker: Order please. The hon. member for Rainy River may have an opportunity later.

Mr. Reid: Mr. Speaker, on a point of order.

Mr. Deans: Oh, sit down.

Mr. Reid: I find that kind of comment slanderous to the people of Ontario and to the wine-growers—

Interjection.

Mr. Reid: —in the Niagara Peninsula for them to make that statement.

Mr. Speaker: That is not a point of order. The hon. member for Wentworth has the floor.

Interjections.

Mr. Deans: What I'm discussing is the 90 cent and the $1 a bottle wine.

Interjections.

Mr. Deans: Perhaps that's the stuff that the member for Rainy River was drinking before he came in.

Mr. Renwick: You're getting to them now, Ian.

Mr. Deans: In any event, what I'm saying to you is this—

Interjections.

Mr. Deans: —that we have seen no proof—

Mr. Reid: At the Liberal parties we serve Ontario wine—

Mr. Speaker: Order please.

Mr. Reid: —not that French imported stuff.

Mr. Speaker: Order please. The hon. member for Rainy River will please desist. Thank you.

Interjections.

Mr. Deans: Mr. Speaker, we have seen absolutely no proof that the blending will in fact produce larger sales. There has been no marketing study done to determine whether or not the blending will bring about an increase in sales.

Interjection.

Mr. Deans: There are absolutely no guarantees in this bill to protect the farmers of the province of Ontario against further erosion.

Interjection.

Mr. Deans: The government has reserved for itself the right to change the terms by—are you listening? Okay.

Interjections.

Mr. Deans: The government has reserved for itself the right to change the terms of the legislation by regulation. I suggest to you that you should have had at least a three-year period during which there was an extensive effort made, both through advertising and by virtue of the use of the LCB operation, to promote the sale of Ontario wine. There wasn't up till now—and don't say "pshoo," because it doesn't wash. Every one of us knows that there was no effort made in the last five years to sell Ontario wine.

The only effort that was made was to sell the so-called pop wine, and it happened to be successful. In the areas where they did make any effort to market—the areas where they did do any active promotion—the pop wines, to use the common phrase, were very saleable and very profitable to those who made them—so much so that many of the other wineries have followed suit and gone into the product and sold.

Mr. Reid: Which side is he on?

Mr. Deans: And so I suggest to you that this bill will be detrimental to the farmers—

An hon. member: Wrong.

Mr. Deans: —will not produce a quality product—

An hon. member: Wrong.

Mr. Deans: —and will, in fact, over the long haul, provide for the farmers fewer opportunities to sell their produce. We just don't think that the risks that you're prepared to take are worth taking in the face of what little benefit may flow, given that we happen to think that it will be detrimental rather than beneficial.

Mr. Reid: Strange, considering the farmers asked for the bill.

Mr. Speaker: Thank you. The hon. member for Niagara Falls.

Mr. Reid: Now for somebody who knows something about it.

Mr. Kerrio: Thank you, Mr. Speaker. At the outset I'd like to say that I'm pleased to support this bill. Whereas on many occasions I have desisted from speaking on a particular issue because of lack of interest or expertise, I feel very comfortable talking about this bill.

Mr. Philip: You'd better believe it.

Mr. Kerrio: I want to tell you that I can roll this one around and savour it, and I would say to the member for Wentworth that he doesn't know what he's talking about.

Mr. Reid: Not the first time.

Mr. Kerrio: Mr. Speaker, I'd like him to try and grow an orange in any part of On-

tario, and that's the very thing that we're confronted with in this great industry. I feel that some of the wineries in my area have spent literally millions of dollars improving and planting in fields, many, many different types of hybrids. I think they have reached the very highest point of producing a grape in Ontario that's as good as they're ever going to produce. The wine that that grape makes, I'm afraid, leaves a little something to be desired.

Many of the accepted imported wines that come from France, in reality are blended wines. They're blended with wines from Spain, from Italy, and from other areas. They produce a high-quality product that they put on the markets of Ontario.

Mr. Deans: If you want to put the farmers out of production, you go ahead.

Mr. Speaker: Order, please. The hon. member for Niagara Falls only.

Mr. Kerrio: When you take one ton of grapes produced in the Niagara Peninsula and you crush it, you have a particular gallonage of must that will produce so many gallons of wine. Because of the high acid in that particular soil and sun, we must put water to it to tone down the acid. In place of the water and the sugar that produce what we consider something less than top-quality wine, the industry would now introduce imported grapes or imported wine. We will then produce a product that will be very well accepted across this province and across Canada.

Mr. Breithaupt: There is someone who knows what he is talking about.

Mr. Kerrio: How any member from the NDP could get up and suggest that they're experts in the free enterprise society just astounds me. I sit here on many occasions and listen to them expound on the virtues of the labour movement, and I have to listen because many of them are expert in those lines. But I tell the members, when it comes to free enterprise, I come from that part of the country that makes wine and the people there are asking us on the floor of this Legislature to help them produce a better-quality wine.

The minister and the House leader on the other side have called many meetings. We have had the input, we have had the feeling from the wine industry; we cannot turn this into a political issue. There are many important issues that one can turn into a political issue. This certainly is not one of them.

Interjections.

Hon. Mr. Welch: Let's join together for the grape growers of Canada.

Mr. Deans: Why don't you just go out and clean them out?

Mr. Speaker: The hon. member for Niagara Falls, please, has the floor.

Mr. Kerrio: I will reiterate the very important part of the bill: From so many tons of grapes we make so many gallons of wine. We add water, we add sugar. We are now going to add a quality imported grape or wine. We are going to produce a better product. We are going to sell that product. We're going to sell more grapes. We're going to make grape growing in the Niagara Peninsula a viable, good way to preserve the farm lands. We're not going to try to freeze the farm lands; we're going to make the farmer a very successful businessman. That's the way to keep him in business.

Mr. Nixon: Blast our way into the markets of the world.

Mr. Kerrio: I say again, there will be many other occasions when I will feel as strongly about a bill. But I have to tell the members, with respect, on all sides of this House that I talked with people who have been in the wine industry for many years. They have spent thousands of dollars in vineyards in Niagara. The member for Brock suggests some 70 or 75 per cent are grown in Brock. I would have to think that of the 25 to 30 per cent, a good part of those are grown in Niagara.

Hon. Mr. Welch: I said "in the Peninsula."

Mr. Kerrio: I've got two of the top wineries in Ontario in my riding. I spoke to those people.

[10:00]

Mr. Speaker, may I bring something to your attention that's very interesting? We have a flying farmer in the Niagara area. He grows a lot of grapes and he's a little private enterpriser. He has airplane engines all over the the vineyard to keep it from freezing. These are people that are very interested. These are the kind of people I talk to. He said, "Yes, Mr. Kerrio, we have reached the ultimate. Now you can help us on the floor of the Legislature." I say, with respect, we've talked to growers—

An hon. member: You haven't listened to them.

Mr. Kerrio: We've talked to the people who have grown the hybrids that have reached the ultimate product that we will ever produce in this country. We are in competition with other provinces, remember—not only overseas wines, but other provinces' wines. That is something that is very important to the people on the floor of this Legislature. We must identify with those people who are in the industry and know what they are doing, and not attempt to make judgements here on their behalf if we haven't really studied the issue. This is a good bill and we are going to support it.

Mr. Speaker: Does any other hon. member wish to speak on this?

Mr. Haggerty: I would like to speak to this particular bill, Bill 135, An Act to provide for the limited inclusion of Grapes grown outside Ontario in Ontario Wine. I believe it was a couple of years ago that I spoke on a similar bill, and I still have certain reservations about this particular type of bill.

Mr. Deans: Oh, do you hear that? He has reservations.

Mr. Haggerty: When I consider the intent of the bill, I wonder why it is before us today. In the Ontario Grape Grower, June-July, 1976, it says: "Bright's Wine sales rise to record dollar high; sales of Andrés Wines jump 21 per cent." From 1970 to 1975, I believe, the sales of wines have increased by 50 per cent. But quoting again from the article in the Grape Grower, it says:

"High costs and foreign competition have cut profits although sales rose to a record dollar value in the last year, reports T. G. Bright and Company Limited of Niagara Falls. Profits fell to $203,254 or 20 cents a share."

When one looks at that particular comment, that the profits have fallen, I suppose one should look at the government itself and the amount of tax it has put on Ontario wines and the cost of purchasing the product in competition with import wine.

I was delighted to see that the minister had reduced the price of wine through certain concessions given to the wine industry; perhaps the price will be more in line with the price of import wines. Perhaps he should have done that a couple of years ago.

When I hear some of the comments about how this particular piece of legislation will save the farm lands in the Niagara region, I think that is foolish thinking. The farm lands have gone; they nearly all have been taken over by developers—

Hon. Mr. Welch: There are hundreds of acres of grapes.

Mr. Haggerty: That's what the member says, hundreds of acres—

Mr. Nixon: Thousands of acres were taken by the Queen Elizabeth Way.

Mr. Haggerty: When we sit back and look at it, hundreds of acres—

Hon. Mr. Welch: Thousands.

Mr. Haggerty: Thousands of them, he says. If one looks at the development along the Queen Elizabeth Way from Saltfleet township to Niagara Falls, one can see the land disappearing. If one goes back into the history of the tender fruit industry of the Niagara Peninsula, one will see that the peach growers are in trouble. One can pick up the Monday, January 26, 1976, issue of the Niagara Falls Review and read: "300 jobs to be lost as peach canning cut."

One can go back and look at previous government actions which resulted in the loss of much of the canning capacity of the tender fruit business in the Niagara Peninsula. We've seen the larger corporations, the foreign corporations, move in and take over these small processing plants and the business has disappeared. There is profit in the tender fruit business.

Hon. Mr. Welch: It doesn't have to happen with the grape-growing industry if you would support the industry.

Mr. Haggerty: The minister doesn't recall the speech I gave a couple of years ago; once the door is open how do you close it? This year we are going to allow more wine concentrate or wine—

Hon. Mr. Welch: No concentrates.

Mr. Haggerty: No concentrates? Well, blending of wine then. We don't know just what it is going to be. But we are going to allow them to come in.

Hon. Mr. Welch: You have been at two meetings where you have been told.

Mr. Haggerty: It's interesting to note, too, that Jordan Wines and Andrés Wines have found a process with which they can take that taste that's in the wines at the present time, and both of them are in a healthy position.

Hon. Mr. Kerr: Baby Duck.

Mr. Haggerty: Baby Duck, that's right. Again, this government and the federal government won't allow them to put on the word "champagne" or a name similar to that.

Mr. Nixon: Oh, the minister has a sophisticated taste.

Mr. Haggerty: So government is much to be blamed in this particular area. I think when one looks back, and I've talked to some of the growers in the peninsula—and particularly in Pelham township where there are a number of large growers of grapes—they're not too happy with this particular type of legislation. They are deeply concerned about it.

It has never gone to a vote of the grape growers. It may have gone to the grape marketing board who've made the decision, but the grape growers in the Peninsula have not actually made that decision. Some of them are not too familiar with just what it may involve or what the intent of the legislation is. My main concern, as I've said before, is that once the door is open, how does one close it? We're dealing with multinational corporations and their interest is to make profits. It may look good this year to the grape growers there, where they've had a surplus of grapes.

Hon. Mr. Handleman: You asked your people in Ottawa to let us do it.

Mr. Haggerty: When one goes back and looks, the government has got them into a new programme or bringing in new hybrid types of grapes. I'm afraid once these come into full production they'll perhaps be cut back later on.

I would like to see this bill reviewed every year—not five years hence, but every year—to see where we are going. Year by year the situation can change. I want to assure the House that my purpose of speaking on the bill today is that I want to see a guarantee that the grape-growing industry is going to be a viable industry, that we're not going to see it backslide like it is at the present time. I want to see the land in production in that particular area. There's a need for that particular type of land. It's perhaps one of the most suitable agricultural lands in Canada.

Hon. Mr. Welch: Hundreds of tons are left on the vines not sold.

Mr. Nixon: Not this year. This government today has not made a decision on the Niagara regional plan.

Mr. Haggerty: It is slowly disappearing through the development in that area.

Hon. Mr. Welch: There were 5,000 tons this year not sold and what are you doing to help?

Mr. Haggerty: This government has not made a decision on the Niagara regional plan as it relates to extension of urban boundaries in the St. Catharines area. When I look at the St. Catharines area, as I understand the information that's passed on to me, one can almost have accommodations for 35,000 people yet within the boundaries of the city of St. Catharines. It's interesting to note that one particular regional council just elected, was elected on that basis to preserve the farm lands of the Niagara Peninsula. I want somebody from the government side to assure me those urban boundaries are not going to be extended, that we're going to protect—

Mr. Deputy Speaker: That's not a part of this bill, I am afraid.

Mr. Haggerty: It is; I think it is, Mr. Speaker. In due respect, I believe it is.

Mr. Deputy Speaker: I am ruling that it is not.

Mr. Haggerty: The intent of this bill is to protect that industry and I want some guarantee from the government, any of the government members over there, to tell me that this is going to guarantee the grape industry in that particular area.

Many are not too happy with the decision. I have my strong reservations about it, but I will support the bill. But I said that once the door is open it is pretty hard to shut it. I can predict that maybe in the future the industry will disappear because the government is allowing the import of foreign wine. Sure, it may make it a better-quality wine to sell, but then again when one looks at the increase in sales in the past couple of years in the wine industry, it isn't that they are not selling the present wine. That's what I'm concerned about. They've increased the sales. Why do they want additional imports, and particularly as they relate to one winery in the peninsula?

I think all I can say is that I'll support it but I still have my strong reservations about it. I want some guarantee from the govern-

ment that it is going to protect the farm land and that we're going to see a change in the Niagara regional bill.

Mr. Deputy Speaker: Does any other member wish to participate in this debate?

Mr. Hall: Can I not add a few comments, Mr. Speaker?

Mr. Deputy Speaker: You've already spoken.

Mr. Hall: Can I not add a few comments, Mr. Speaker?

Mr. Deputy Speaker: No, not on second reading.

An hon. member: Closure!

Hon. Mr. Handleman: I am going to speak very briefly because in my view some of the comments made by the member for Wentworth stem from a complete lack of knowledge of the whole industry and a failure to consult with those in it.

An hon. member: And a total misunderstanding.

Hon. Mr. Welch: Quite typical of that member.

Mr. Deans: Tell us what protection you are going to give the farmers. Tell me how the farmers will sell the grapes that they have got.

Hon. Mr. Handleman: I would like to thank, first of all, the member for Lincoln, the member for Brock, my colleague, the Minister of Culture and Recreation, and the member for Niagara Falls for their supportive attitudes.

Mr. Davidson: What do you know about grapes?

Hon. Mr. Handleman: It has taken me a long time to learn something about grapes and I have put a great deal of time into it. I wish the member for Wentworth had done likewise.

Mr. Deans: I did.

Hon. Mr. Handleman: When I first came into this portfolio almost two years ago I found there was a natural antagonism bebetween the growers and the wine producers. In fact, they would not come into my office together to sit down and talk about their common problems. Over these two years, they have developed a rapport which has enabled us to reach this point tonight. I think this is a very important point in the history of this industry. But for the member for Wentworth to suddenly become a convert to the values of advertising is completely astonishing to me.

Mr. Deans: That is not so. I told you this months ago.

Mr. Deputy Speaker: Order, please. The member for Wentworth doesn't have the right to interrupt every time the minister makes a comment.

Hon. Mr. Handleman: The member for Erie mentioned very briefly the profit situation of this industry. I don't know how 10 wineries with a gross profit of about $500,000 between them embark on a promotional programme to sell wine. Wines have to be promoted and I agree with the hon. member on that point. But we have to provide the funds to enable them to finance a promotion programme and it is not going to come from government, not this government. It is going to come from the private sector out of profits they make because we have created a climate of opportunity.

You must have an opportunity to earn profit. That's the way the market works, not by the government saying you shall make one brand with blended import and that will be the only one you are permitted and, if you don't make money on it, then you can get out of the programme. That's not the way the free market works. The free market works by a manufacturer being given the right to do certain things and then going ahead and letting him decide how to do it. That's the way this government will operate.

Mr. Riddell: They don't know anything about a free market or free enterprise or anything else.

Hon. Mr. Handleman: There are other aspects to our whole programme. This is only part of the programme. I think it should be recognized that our aim is to make Ontario one of the finest wine-producing jurisdictions in the world using Ontario products. In order to do that we have to meet the other world producers of wines on their ground with their rules. They all blend and they also grow grapes and their grape industries are not dying. They are flourishing. That's what we want for Ontario. The only way to do it is to adopt the same kind of rules that they have over the past 25 years.

To talk about the Ontario wine producers not meeting the market tastes, market tastes in Ontario have changed dramatically over

the past four or five years. Five years ago the taste of Ontarians in wine was for sweet dessert wine. Almost overnight that changed to dry table wine. In changing to dry table wines, the Ontario wineries did not have the wines to satisfy that market. It is going to take some time. They started out behind and they have developed some fine wine. There is no question at all. The Grape Growers article is absolutely right on. We have the products now.

Mr. Deans: Without blending.

Hon. Mr. Handleman: We don't have them in quantity and we don't have the reputation. We have to enable our people to compete not only with foreign wine producers, but with Quebec wine producers, with British Columbia wine producers, with California and New York, all of whom blend. We have to provide our producers with the same ability to meet that competition on the same grounds.

Time is short but I want to say that the LCBO has worked very diligently with the industry. We have worked with the growers, with the producers, with the Ministry of Agriculture and Food, with the UCBO and within my ministry. I think we have developed a total programme, including promotion, which will be coming forward in a period of a few months, and including the establishment of wine standards that this province will be proud of.

We are going to develop a system of appellation control which will enable us to promote our wines as fine wines. At the present time I think we can say that they are good table wines. We want to develop a finer quality than that and I think we can do it. With the co-operation of the industry, Agriculture and Food and my ministry, we expect within the period of this bill, five years, to see the Ontario wine industry meeting its competition everywhere in the world, not only in Ontario, and we're going to help it to do it.

[10:15]

The House divided on Hon. Mr. Handleman's motion for second reading of Bill 135, which was approved on the following vote:

Ayes	Nays
Auld	Angus
Belanger	Bounsall
Birch	Breaugh
Breithaupt	Bryden
Brunelle	Burr
Bullbrook	Cassidy
Conway	Davidson (Cambridge)
Cunningham	Davison (Hamilton Centre)
Drea	Deans
Eakins	Dukszta
Eaton	Ferrier
Edighoffer	Foulds
Evans	Germa
Ferris	Gigantes
Gaunt	Godfrey
Good	Grande
Grossman	Laughren
Haggerty	Lawlor
Hall	Lupusella
Handleman	Mackenzie
Henderson	Makarchuk
Hodgson	McClellan
Johnson (Wellington-Dufferin-Peel)	Philip
Kennedy	Renwick
Kerr	Samis
Kerrio	Sandeman
Lane	Warner
Leluk	Wildman
MacBeth	Ziemba—29.
Maeck	
Mancini	
McCague	
McKessock	
McNeil	
Meen	
Miller (Haldimand-Norfolk)	
Morrow	
Newman (Windsor-Walkerville)	
Nixon	
Norton	
Parrott	
Peterson	
Reid (Rainy River)	
Riddell	
Roy	
Ruston	
Scrivener	
Shore	
Smith (Nipissing)	
Smith (Hamilton West)	
Snow	
Stephenson	
Sweeney	
Taylor	
Timbrell	
Villeneuve	
Welch	
Wells	

AYES

Williams
Wiseman
Worton
Yakabuski—62.

Ayes 62; nays 29.

Ordered for committee of the whole House.

Hon. Mr. Welch: Mr. Speaker, before moving the adjournment of the House, may I indicate that tomorrow afternoon we would proceed with orders 12 and 13—that is Bills 189 and 190—following which we would go into committee of the whole House to clean up legislation which is there. Following this we would call order 14, being the second interim report of the select committee on the fourth and fifth reports of the Ontario Commission on the Legislature.

Just by way of some indication, on Thursday we would do second reading only of Bill 176, following which we will do the supply bills and then wind up the budget debate.

On motion by Hon. Mr. Welch, the House adjourned at 10:35 p.m.

APPENDIX A

Standing Resources Development Committee.

TUESDAY, DECEMBER 14, 1976

The committee resumed at 3:05 p.m.

THE WORKMEN'S COMPENSATION BOARD
(continued)

Mrs. Campbell: Mr. Chairman, before we start, I would like to say that I have been substituted, as I understand, for Eric Cunningham on this committee, and I would move that following the introductory remarks of the critic for the opposition, we then revert to the position of time so that the Liberals then will have equal time, and the Conservatives, rather than rotating the speeches because otherwise there will be no opportunity for the rest of us to add to this debate.

Mr. Chairman: You have heard the motion made by Mrs. Campbell. Is there any discussion on the motion?

Mr. Ferrier: Who is going to keep the stopwatch going on it?

Mrs. Campbell: You don't need a stopwatch. We've had all morning with one speaker and we still have more to come.

Mr. Chairman: Any discussion on this motion?

All those in favour of the motion as proposed by Mrs. Campbell? You didn't suggest a time limit for each speaker?

Mrs. Campbell: No, I did not suggest a time limit. I am not trying to muzzle anybody, but I also feel that the Liberals ought to have—

Mr. Chairman: Equal time?

Mrs. Campbell: Yes, equal time. We haven't had a time limit.

Mr. Lupusella: We accept the principle of equal time.

Mrs. Campbell: Then you will take over tomorrow.

Mr. Lupusella: Okay.

Mr. Chairman: You have already spoken for an hour and 15 minutes, Mr. Lupusella.

Mr. Lupusella: Okay, Mr. Chairman.

Mrs. Campbell: An hour and 45 minutes.

Mr. Lupusella: Thank you very much, Mr. Chairman. I will try to be very brief—

Mrs. Campbell: Could we have the motion put?

Mr. Lupusella: —at this point in time and I will get into the core of—

Mr. Chairman: Order. I asked for any discussions on the motion. If there's no further discussion on the motion, I am going to put the question.

All those in favour of Mrs. Campbell's motion will please indicate by a show of hands.

All those opposed? All right. The motion is carried. Mr. Lupusella.

Mr. Lupusella: Thank you very much, Mr. Chairman. As I stated before, I will get as fast as possible into the core of my leadoff speech by going back to the response of the previous statement made by the chairman of the Workmen's Compensation Board.

Let me go back for a while to last year's committee hearings. My frustration since then has reached high proportions in my day-to-day dealings with the board and injured workers. It is my impression that the Workmen's Compensation Board, instead of improving its system, is completely deteriorating without seeing any sign of interest toward a change for the better either by the Minister of Labour (B. Stephenson) or the chairman of the Workmen's Compensation Board who is completely responsible for the administrative changes and policies.

Since last year I have made certain recommendations to the chairman of the Workmen's Compensation Board and to the Minister of Labour which either were completely ignored or never implemented. I made specific reference to the insensitivity and cruelty of the Workmen's Compensation Board in assessing the pensions of injured workers, which are relatively low in relation to the high cost of living and which leaves injured workers in a state of poverty or forces them to get into the scheme of municipal welfare provincial assistance because they are unable to live on the pension given by the Workmen's Compensation Board.

Social assistance programmes are funded by taxpayers' money and not by employers.

Therefore, I don't see any justification at all in having those injured workers following the same road of a poverty level instead of fighting injuries in the province of Ontario by putting the responsibility on the shoulders of the employers, where it belongs, by penalising them with stiff fines or taking them to court, if it is necessary, instead of letting them off the hook lightly as they are now, with the injured person being made to pay the highest of all through physical and mental suffering and financial deprivation.

I made particular reference to the board's chart, which someone appropriately nicknamed the "meat chart," from which the board assesses the percentage of disability awarded to an injured worker. For those who have never heard of those words, I want to use the technical words used by the board, which is the permanent disability rating schedule. The meat chart's reputation derives from its results. One-legged people who can find no work at all competing with two-legged customers in the Canada Manpower unemployment offices are, along with their families, reduced to sheer poverty. How can such situations be tolerated? Perhaps it is because the past was even worse than the present.

Before the Workmen's Compensation Board was set up in Ontario, the injured worker had to take his employer to court in order to collect damages. The first compensation law, The Workmen's Compensation for Injuries Act, 1897, required the worker to prove that his employer was negligent. It was awfully hard to prove a fault in accident cases and the courts usually decided for the employers. Apart from this, it cost money to take employers to court and it took a long time to get the verdict. The awards in those earlier days were less than 50 per cent of income and industrial diseases were not covered. Things have changed for the better because of the New Democratic Party, the trade union movement and the public at large. It took a lot of time to force the government to take action—

Mr. Mancini: Is that going to be in your paper?

Mr. Lupusella: —to shift more the burden of industrial accidents to the industrial owners who profited from unsafe work practices. That's where business and the government came together to create a plan in order not to cost business too much hardship.

Interjections.

Mr. Lupusella: Today business and government are not satisfying the public's demands. Mr. Chairman, on a point of order, can you keep the hon. member under control?

Mr. Chairman: It's pretty difficult. Order, please.

[3:15]

Mr. Lupusella: Without being too pragmatic the present structure of the Workmen's Compensation Board is following the policies of defending the employer's interest and has put injured workers in a state of poverty by destroying their families and their well-being.

The board has functioned since then, as I stated last year during the committee hearing, as a private insurance scheme for employers and as supposed benefactor for injured employees. That's why we, as NDPers, would abolish the Workmen's Compensation Board if we were going to form the government. We would establish a no-fault comprehensive insurance programme for all the residents of Ontario to cover any accident, illness or death, by integrating all the present schemes. The principles behind our scheme would be: First, immediate compensation to every injured person irrespective of fault or where the accident occurred; injured persons to receive compensation both for permanent physical disability and for income losses on an income-related basis with regular adjustments to allow for inflation.

Similar compensation would be paid to those who are incapacitated by illness. The right of court action based on fault would be abolished.

Sixth, The Workmen's Compensation Act to be repealed and private carriers excluded from the field of accident and sickness coverage, except for supplementary coverage.

Seventh, death benefits, so as to ensure a continuing and adequate income for surviving dependents. The Workmen's Compensation Board has failed the injured workers over the province and the private insurance schemes are dedicated to profit making so the NDP feels that the residents of Ontario need this protection.

The system is administered by the provincial government through the Minister of Labour and the board itself is completely financed by the employers. The philosophy of this government to be adverse to injured workers is clearly spelled out in part I, section 8, of the present Act which states that an injured employee forfeits his or her right to any legal action against the employer, however negligent the employer has been, if the

employee accepts benefits from the Workmen's Compensation Board. This is how the employers are let off the hook, by paying a small fixed sum.

The employer is protected against the great majority of actions to which he might otherwise be subjected. This is why more injured workers are suffering the detrimental consequences of the present system of operation of the board and that is why this government is guilty of ignoring the high number of injuries on the job which, in the province of Ontario, is depressingly high.

Going back to the meat chart, let me make public knowledge of how the Workmen's Compensation Board assesses the disability pension. It is not from the view of the workman's employability and the kind of trade he used to perform before getting injured but from the view of the figures collected on the schedule of disabilities rate, which the pensions department mostly adheres to. I'm sure everybody is aware of the situation in which the injured worker appeals his percentage of disability and by winning the case his pension is increased. What criteria does the board follow and what does the board apply in relation to the ceiling which is incorporated in the board's permanent disability rating procedure? I would be delighted to hear some comments from the board later.

I make particular reference to the policy applied by the board from October 24, 1966 to June 22, 1970 and up to the present date. In my opinion the policy has not been clearly modified. Let me read to you, Mr. Chairman, the attitude of the board in relation to clinical ratings. I quote from the board's policy: "Clinical ratings should not be influenced by the claimant's particular occupation or other circumstances. Such circumstances may entitle him to a supplementary allowance. However, no special circumstances should affect the basic clinical ratings. Account should not be taken of extraneous factors when determining the clinical rating of a pensionable disability."

How can one speak of such things as concern, humanity, et cetera, and then apply this disgusting degree of rigidity when you are dealing with sick people in the province of Ontario? Mr. Chairman, this is the approach of the board towards dehumanization of a worker unfortunate to have an accident on the job—workers of the province of Ontario—our most productive and valuable source of well-being. Yet here we are in a place where those statutes should be changed by improving the present legislation and we see the Minister of Labour vigorously defending the philosophy of the Progressive Conservative Party and stating that the Workmen's Compensation Board is the best setup for injured workers.

In my budget debate speech of June 21, 1976, I made particular reference to the stinginess of this government towards injured workers by mentioning that widows of workers killed on the job get just a miserable pension of $286 a month. I quote from my speech, Mr. Chairman, that "Scrooge himself would quake at such stinginess." I haven't noticed yet any move from this government to do something about it by increasing the pensions of widows and totally disabled persons—at least up to the poverty line.

With relation to the special supplement, Mr. Chairman, when a pension is already assessed—unless the policy of the board has changed since June 22, 1970, and if it has I would like to have a copy of those changes—the pensions officer "shall be responsible for the decision to recommend any increase in the basic clinical rating by way of a special supplement. It should bear a proportionate relationship to the basic clinical rating and the proportion may vary as the case warrants."

That is why the Workmen's Compensation Board is so stingy in allowing supplemental pensions to injured workers. What if the pensions officers are attitudinally against the claimant? You can be sure, Mr. Chairman, that even though doctors and specialists are suggesting an increase in the percentage of disability and if the percentage of disability has already reached the maximum ceiling, the injured worker loses his appeal automatically. My question is, why don't the Workmen's Compensation Board and the chairman of the Workmen's Compensation Board recommend a revision of the ceiling provided by the permanent disability rating schedule, taking into consideration the kind of trade which the injured worker used to perform before the injury took place?

Going back to the permanent disability rating procedure applied by the board, under the item on review from the board's policy book, I quote: "clinical ratings shall be subject to change only by subsequent medical examiners or on a review by the chief of the pensions department or by a review committee, the appeals examiner or the board. The file should always be marked back to the chief, pensions department, for reference purposes."

I am completely surprised when we are appealing the increase percentage of disability based on medical reports—specialists' reports—

why is the board not following the rating schedule suggested by an independent specialist? Does the chief of the pensions department have the last word on whether or not a pension should be increased or is it the doctors employed by the board? They of course are not defending the interests of injured workers, making any recommendations on increasing the worker's pension instead of the independent doctor or specialist who has been treating the injured worker since his injury and is best qualified to know the physical and the mental condition of the disabled person or persons.

So when are the Workmen's Compensation Board and this Minister of Labour going to make recommendations to the Legislature that the assessment of the disability of an injured worker should be determined by an independent group of specialists in which the family doctor should play an important role, and in which there is no interest involved on the part of anyone?

The Chairman of the Workmen's Compensation Board, Mr. Starr, has been stating that he would be open to recommendations to improve the system of the board. I am not sure whether our criticisms, either in the Legislature or through the committee hearings, are producing some effect in order that such improvement is going to take place. I can only hope so.

Last year during the committee hearing of the Workmen's Compensation Board, the Chairman of the board, Mr. Starr, had been making some remarks about the use of adjectives, which were quite heavy, in describing the board. I want to remind him through the Chair that my position hasn't changed yet until the approach of the board on applying The Workmen's Compensation Board Act entirely changes.

I hope the minister will consider seriously the introduction of my private bill introduced in the Legislature with regard to increases to pensions in relation to the cost of living increase. Only if the bill is taken into consideration, will we, as NDPers, strongly believe that there is no need for introducing amendments like the ones enacted in 1974 and 1975. They were completely inadequate for the simple reason that the problem of the workers injured many years ago still remains. They did not even come close to solving the problems.

The area of rehabilitation for injured workers is a complete disaster. The case of Premier Picture Frame Manufacturing is a typical example. How effective is the board's programme, taking into consideration that there is no future on those programmes for injured workers? And besides this point, we got into the area of exploiting injured workers by making companies richer at the expense of injured workers. What kind of programme is this?

I want to conclude my remarks, in order to give an opportunity to other members to present their own criticism and their points of view about the Workmen's Compensation Board. I really hope that the minister is going to give me a response to what I have mentioned. I hope also that immediate changes are going to take place in order that the problems of all injured workers around the province are going to disappear. Thank you very much.

Hon. B. Stephenson: It has been interesting to listen to this usual recantation of hyperbole concerning the Workmen's Compensation Board. Indeed there is one area which the hon. member quoted for which I cannot find the source, the quotation regarding board policy which—

Mr. Lupusella: Do you want to see the book?

Hon. B. Stephenson: Yes, I would like to see the book if that's possible, because it is not to my knowledge board policy. Indeed assessments for disability pensions are based not only upon the rating schedule of the percentage of impairment of earning capacity, not specifically on what the hon. member is pleased to call the "meat chart." But it is based as well upon reports from physicians, including the family physician, which are most carefully taken into account and, from time to time and in certain instances, on social economic factors as well.

There is no specific relationship to what Mr. Lupusella has called the little green book in all instances. It is certainly very erroneous to suggest to this committee or to anyone else that the government of the province of Ontario is not concerned about safety and health. We have spent the last several weeks, as a matter of fact, actively involved in improvements to the legislation, but indeed our record regarding the supervision of industrial safety and construction safety, I would tell you, is second to none in Canada. It is certainly very much superior to many European jurisdictions, some of which Mr. Lupusella knows extremely well.

[3:30]

Mr. O'Neil: As leadoff for the Liberal Party, I would like to read into the record

a letter which I sent to the minister quite some time back. I haven't received an answer on it yet. I think it expresses my feelings and I know those of some of the other members in our party. If I may, I'll read it into the record. It was addressed to the Minister of Labour on November 17, 1976, in regard to the Workmen's Compensation Board.

It says: "Enclosed for your information are copies of correspondence regarding Workmen's Compensation claimant Mr. James Briand of Belleville, who is one of my constituents. Also attached is a copy of a press release, dated February 20, 1976, which includes in it a copy of a letter to the Ombudsman, dated February 16, in which it is suggested that immediate steps be taken to completely restructure the board in order that it may properly compensate the workmen for whom it was established.

"I am afraid that Mr. Briand's file makes for much dreary reading but would ask that you take the time to carefully study it as it should serve as an example of the fact that a workman who is injured on the job and subsequently suffers from partial or total disability must be of a very aggressive nature and at the same time possess the patience of Job if he hopes to obtain any satisfaction from the board.

"In the 14 months that I have been representing the riding of Quinte at Queen's Park, my office has been flooded with requests for assistance from injured workmen who are attempting to negotiate with the Workmen's Compensation Board. Because of the nature of some of the requests, I have corresponded with the Chairman with a request on behalf of my constituency for speedy action on the claims.

"On the last count I have been in touch with Mr. Starr personally"—and when I say personally I mean by letter—"on more than 50 individual cases and as you will note from Mr. Briand's file considerable follow-up correpondence was essential. Of course, many requests for assistance have been handled through telephone conversations with board personnel. I would not venture to guess just how many claimants called because cheques were delayed or not forthcoming or because they could not themselves get any answers from board personnel or indeed even get through to the board because of busy telephone lines.

"Many hours have been spent by myself and by my secretary-assistant at Queen's Park listening to the complaints and attempting to advise and reassure men and women who are worrying about food, mortgage payments, rent and indeed every problem faced by a person who does not know where the next dollar will come from.

"Because of the nature of the Workmen's Compensation complaints and the fact that the board is located in Toronto, the work on these is not handled by my constituency office but is done by myself and the one secretary-assistant available to me at Queen's Park. If I were faced with as many complaints about any other government agency, department or ministry, be it federal or provincial, I would have to make a choice of either neglecting a segment of my constituency complaints or allowing the broad spectrum of legislative commitments and representation of my constituents to fall behind.

"When one multiplies the number of cases which come to my attention over a period of one year in office by 125 members of the provincial Parliament, it adds up to a staggering number of people who are very unhappy with the way in which the Workmen's Compensation Board functions on their behalf, taking into consideration the members of the workman's family, who must also be included in the count, as well as those claimants who are not sufficiently well informed or aggressive to call on an MPP for assistance.

"You are undoubtedly aware of the several organizations established by injured workmen and sympathetic members of the public in an effort to obtain fair treatment from the board. I am sure you must be familiar with the work of the injured workmen's consultants. This group includes law students, social workers and other community and legal workers. With the assistance of LIP and OFY programmes in 1972 and 1973 they were able to employ a staff of over 50 with six area offices throughout Ontario. For the past several years assistance was also forthcoming from the federal Department of Justice, the United Church, the city of Toronto, trade unions, the Ontario Legal Aid Plan and private donations.

"I would also like to bring to your attention at this time some odd observations about the conduct of hearings and inquiries at the board. It appears to me that appeal tribunal hearings are conducted in such a way that the workman is dealt with more in the manner of a defendant in a trial rather than as a person who has sustained an injury on the job and in good faith is seeking compensation to which he believes himself entitled.

"At these hearings, the workman and his representative, who may be an MPP, a legislative secretary assistant, a law student or anyone the workman can find to represent him, are pitted against the three seasoned commissioners of the board. I know that one of these commissioners is a lawyer and another is a doctor-lawyer. In our system, every person accused of a crime is entitled to qualified legal representation in our courts of law. It seems most unfair that the injured workman should be entitled to less consideration.

"I am in no way suggesting that such hearings should be set up in such a way that they become a contest between lawyers. In any case, the lawyer representing the injured workman under the present system would be at a distinct disadvantage as he, too, would be faced with the cumbersome machinery of the board. Rather, it would seem more humane and just, and probably would save a great deal of administration cost, to scrap the antiquated and time-consuming system of appeal now in effect at the board and replace it with one geared to providing claimants with a speedy, fair and sympathetic assessment of claims in an environment free of the intimidating atmosphere that presently exists there.

"In my dealings with injured workmen I have found them, as a general rule, to be characterized by honesty, patience and courtesy in spite of, in some instances, their evident depression after months or years of frustration and financial embarrassment.

"In my study of the Workmen's Compensation Board, it was noted that back in 1913, Sir William Meredith, in a report to the provincial government regarding laws relating to the liability of employers to make compensation to their employees for injuries received in the course of employment, recommended that a completely new Workmen's Compensation Act should be established and that one of its basic concepts should be to overcome the costly delays and nuisances of litigation in order that the injured workman and his dependants could receive the benefits of speedy justice, humanely administered. After 63 years, unfortunately this concept is far from realized.

"May I respectfully ask for your careful consideration of my representations on behalf of my constituents who are Workmen's Compensation claimants as well as all the injured workmen in Ontario. It is my sincere hope that you, as Minister of Labour, the Ombudsman as the representative of the common man in his attempts to cut through bureaucratic red tape and be assured of justice, all the members of the provincial Parliament, and everyone who has an interest in realizing the excellent concept described by Sir William Meredith early in the century, will work together to achieve this end. I am sure that the combined sincere efforts and goodwill of all who share my concerns will soon produce the desired results. Please let me hear from you on this most important matter. With kind regards."

I know the leadoff speaker of the NDP quoted a lot of cases and everything else, but I don't think it's appropriate—

Mr. Haggerty: It was just one case.

Mr. O'Neil: —to take up the time of people here today by going over the 50 some cases we have handled since the beginning of the year. I know, Madam Minister, you mentioned the reason we are meeting here today was to review the function of the Workmen's Compensation Board. I think it is also our job as MPPs to give constructive criticism in such a way that it will benefit the injured workmen of this province.

I have no direct criticism of individual members of the board or the staff but I think they have to understand when MPPs, our secretary-assistants or other people come to them on behalf of injured workmen that is part of our job. In a lot of cases, these people come before your people but are not given proper assistance or are not represented properly before the board. As I mentioned there is a type of uneasiness when they have to sit down before three seasoned members of the board.

It is also our job to persevere on behalf of these people. I know that when we continually call up your office or write letters it is not always appreciated by your staff but unless we do this, in a lot of cases these people will be turned out, will have to return to their homes and will not be given what I call a totally free hearing of their cases. We have experienced a bit of this.

I have also had something come back to me that certain members of staff feel that we are pressing things too hard. I have also had people come back to me and say you're not handling it in the right way because of the way you or your staff have talked to some of our people. But I do feel, as I say, that we have to press this thing a certain amount or otherwise we do not get results from your people, they tend to turn it back.

I know that we advise our people. We go through the process and if we don't get it, we will—you may call it harass your staff—we will go back at them. We will ask for

reassessments, we will ask for appeals; but as I say to me this is our job.

The problem that I find we are encountering, as I mentioned in my letter, is that a lot of the time of myself and some of the other MPPs is being taken up with strictly the Workmen's Compensation Board. If we multiply it by 125, whatever it may be, there's just too much of our time taken in regard to workmen's compensation, so there has to be some type of a problem here.

I know we have cases that come before us, we go to the board and we are flatly turned down. I had one case this week where I returned to the office on Monday and I found that on Friday of that week my secretary had been talking to somebody on the Thursday or Friday before and we were flatly turned down, we couldn't get a hearing or an assessment as soon as we wanted it. We had a family back in the city of Belleville that had no way to pay for their rent, no way to pay for their hydro, they had no money to put food on the table. I come back to my office on Monday and I find that my secretary has sent out a personal cheque of her own for $400 to this family to give them something to live on. We shouldn't have to do this, we shouldn't have to do this at all.

Where we are waiting for reassessments or appeals on certain cases, I feel that some of these people should be given some type of funding to carry them over, to provide the essentials of accommodation and food until these appeals are heard.

Another thing, Mr. Starr, is you mentioned the increase in the number of regional offices, in hearings and so on. I think we have to have more regional offices than we have now. We have to be able to bring some of these hearings to some of the local areas so that these people don't have to be brought into a new, strange surround, being the city of Toronto, surrounded by strangers. I think this presents a problem in the case of transportation; I know you do supply this, but I also feel that some of these people are a little reluctant to even ask for things like that. I have had them come up to Toronto here on the bus and they have had that expense and they haven't had the money to go back, or they haven't had money for meals. We have had to give it to them, or we have had to call the board two or three times until we get the money out of the board so they could get something to eat for lunch or dinner at night, and to go back. I don't think that's right.

I think there has to be more local input and control over some of these hearings. I just feel that too many strangers are dealing with too many of the cases; there should be more local input from your local representatives in the local areas. I don't feel that your office here keeps in touch enough with the people back in other areas. There's correspondence and calls being made on a certain claim, say back in the Belleville area, and I don't think you keep your people in touch back there with copies of the correspondence or discussion. I think sometimes the cases are handed from one person to another, rather than having one person carry through on an individual case.

Mrs. Campbell: At least they haven't lost the file completely.

Mr. O'Neil: Another thing, and I come back to this point about proper representation at hearings, I don't feel as much of our time would be taken up at these hearings if you gave proper representation to these people. They shouldn't have to go out and try to get an MPP to represent them; or try to get a lawyer, which they can likely not afford.

I think there should be some sort of a system set up whereby a claimant coming before your board is given the assistance and help that he needs. I don't think this is being handled well, not to the extent it should be. Let's put it this way, if it is available for them, I don't think it is conveyed to them as much as it should be. I will ask for your comments on that.

[3:45]

I would also ask for a change in the type of hearing. I mean no disrespect to the people employed by the board; it's the same regardless of whoever was representing these people. In a lot of cases there is a type of depression; they're not well, they're under a certain amount of pressure and they're being questioned by the people on the board. I just don't like that. It's a system that I think should be changed. I know if I say it should be changed, I should have some sort of suggestion. I just feel there should be a restructuring to do that.

I know that we have also turned over a number of our cases to the Ombudsman when we just couldn't get anywhere after we'd built up thick files and everything else. I think they are certainly attempting to do the job, but one of the weaknesses there, I feel, is that right now their case load is getting very heavy, not only with Workmen's Compensation Board cases but a lot of other things too. They have a lot of young staff, and although I can see a certain enthusiasm

through having young staff, sometimes it takes a person who has been through the ropes a few times, who will persevere, to work for these people. So as I say, I hope for some changes in the office of the Ombudsman also.

I was interested in your comment this morning on this 83 per cent postponement and some of the other figures you use. I would like you to comment, if you would, on why you feel you have the postponements you do.

In closing, I would like to make another point to your staff. Likely when you're in the type of business that you are, there is a tendency after awhile to become a little hard-nosed with people. I would only ask that in a lot of these cases a little more compassion and charity can go a long way with some of the people who appear before you.

I would hope that my suggestions and comments have been made in a constructive vein, and I would ask that the minister and the Workmen's Compensation Board would consider some of these things I have suggested.

Mr. Starr: I would like to comment to Mr. O'Neil that if a rejection is made to a claimant, this enclosure goes out with every letter. On this point it says: "A workman's adviser is available at the board's offices in Toronto without charge to assist in preparing and presenting appeals." I must say they're excellent fellows. Certainly they're paid by the Workmen's Compensation Board, but they do a good job; they prepare a case a lot better than most lawyers do. And the fellows who represent the various unions—

Mr. O'Neil: Well, what I'm saying—

Mr. Starr: —also are excellent people. They have been interested and they know The Workmen's Compensation Act, they know the procedure. They make excellent representatives.

Mr. O'Neil: Mr. Starr, maybe you feel they do represent people properly, but I don't feel they do. When you have people paid by the Workmen's Compensation Board to represent a claimant before the company they work for, it puts them at a bit of a disadvantage. I just feel there should be some type other than a Workmens' Compensation Board employee.

You know the number of kicks you're getting here. I'd love to see somebody bring in the suggestion that a select committee be set up to go into some of these points, and others that will likely be raised here, and perhaps it would come up with a different process of giving these people representation at these hearings.

Mr. Starr: Mr. O'Neil, I have found in the past three years that those claimants who are represented by a worker's adviser, either at the examiner's level or at the board level, if the decision is favourable they think the worker's advisers are the best in the world; but if they get a decision that's not favourable then they feel that possibly they should have had someone else.

Mr. O'Neil: Of course, that's only natural.

Mr. Starr: That's only natural; but where—

Mr. O'Neil: Right. Of course I think, Mr. Starr, what we have to be concerned with is that if a certain percentage of those people turned down by the board should have been approved and could be approved by a little further pressing, I think those are the people we have to worry about; it's the people who are turned down. If there is an injustice done there, I think that the Workmen's Compensation Board and the minister have to consider a different type of representation and a different way of processing some of these claims.

Mr. Starr: If I may answer Mr. O'Neil? You said that in my remarks I said that among the major causative factors are the postponements. They are requested by claimants, in the main. For example, we may have two hearings scheduled for this morning and two in the afternoon, by the one panel. All of a sudden, at the last minute, the claimant doesn't appear. They have to wait until the next time. You can't substitute someone else.

Mr. O'Neil: When you say there is a cancellation, what percentage of those—say 80 some per cent—would come back again? Or do you never seen them again?

Mr. Starr: It's rescheduled at a time when it is more convenient for them.

Mr. O'Neil: So in other words you do eventually see them.

Mr. Starr: Oh yes.

Mr. O'Neil: It isn't a case that they cancel out completely?

Mr. Starr: We don't lose them, no.

Hon. B. Stephenson: Could Mr. Reed respond?

Mr. G. W. Reed: There is a small proportion of those that do not turn up, that do not wish to pursue their appeal, yes. But the majority, the vast majority of the postponements, are rescheduled.

Mr. O'Neil: Do they give any reason for postponing? I know there could be many but—

Mr. G. W. Reed: We get a lot of different reasons. First, we get people who are no-shows. They simply don't communicate. They simply do not turn up. Then you'll get a group where either the claimant himself or his representative will have conflicting dates. You find that with lawyers as well. They have conflicting dates and they say postpone, we've got to be elsewhere. You have a group of people for whom it is simply not convenient. You have a group of people who simply forget, we have that. There are all sorts of reasons.

Mr. O'Neil: You see what I would be a little worried about is if you do have a certain number of—this is why I asked this figure—cancellations, would those people be a little afraid to come before the board? Is there a certain amount of—when a person isn't feeling well, or there's a certain amount of—

Mr. G. W. Reed: People are sick; that's another reason, of course. You get people who are sick or scheduled for some sort of treatment or something; that's another reason. There's no question there's a proportion of those.

Mr. O'Neil: Possibly I could ask Mr. Starr: When you have these regional offices—do you set up hearings very often in the regional offices?

Mr. Starr: No, we haven't as yet, sir. But I think—

Mr. G. W. Reed: May I just comment on that?

The appeals examiners' inquiries are held at the various regional centres where there are offices, not in the office itself but in the same locality.

Mr. O'Neil: Do I feel that there is a thought that the board will be going out into the areas rather than having these people come in to the Toronto office?

Mr. G. W. Reed: Yes.

Mr. O'Neil: Could I ask how soon this will likely be implemented?

Mr. Starr: What we have at the moment or are concentrating on at the moment—I'm talking now about appeal board hearings, you understand, not appeals examiners, because appeals examiners' inquiries are now held in the field—but the appeal board hearings, up to the present time, have never been held outside Toronto. However, we have had two more commissioners just appointed and we are anticipating that by the spring we should be able to start some travelling in the field.

We have a large backlog to catch up at the moment at the appeal board level. That is what we want to concentrate on, but once we've got that in hand then we will have the personnel to start setting up appeal board hearings in the field.

Mr. O'Neil: Has there been any thought of changing the set-up or the process of the appeal board; in other words a different type of hearing?

Mr. Starr: Your observations intrigue me, because this is one of the more important things the task force looked at to see that these hearings would be very informal. In other words to get the required information and a discussion with the representative of the claimant or the claimant himself about his case. Now if you have any ideas at all, Mr. O'Neil, that might improve our present system I would be glad if you would convey them to me. We can sit down and discuss them; we are after improvement.

Mr. O'Neil: First of all I think it is a case of having it possibly held locally. Secondly, I think one of the things that sets these people off is walking into that big boardroom.

Mr. Starr: We have smaller boardrooms. They are heard there, too. They are not very big.

Mr. O'Neil: Okay, but I think the atmosphere sometimes could be eased a little.

Mr. Starr: It is like going to a dentist, Mr. O'Neil, isn't it?

Mr. O'Neil: That's right.

Interjection.

Mr. Chairman: Order, please.

Mr. Starr: I would be glad to discuss it any time with you. If you have any ideas on how we can improve it, Mr. O'Neil, I would be grateful.

Mr. G. W. Reed: If I may make a comment—as you are aware, under The Work-

men's Compensation Act we have an inquiry process rather than an adversary process and I think that—

Mr. O'Neil: But it doesn't turn out that way.

Mrs. Campbell: No, it doesn't.

Mr. O'Neil: I know what you may feel—you may feel that it is but it does not come out that way at all. It is just the opposite.

Mr. G. W. Reed: That is something on which there should be some discussion with the chairman, if that is your feeling.

If you are dealing with an adversary process you start off, of course, with the proposition that it is for the claimant to establish his case. With an investigative process the board assumes the responsibility of trying to ascertain facts. You ascertain facts through questioning.

If it is your feeling that the questioning is conducted in some improper fashion that is something which should be discussed. It is important, in my view, to maintain the investigative process because it is in that way the claimant will get the greatest help. If you leave it up to the claimant and you get to the adversary system—that is not a system, I think, which is designed to help the claimant.

Mr. O'Neil: As I say, from what I can see of it, these people go in and they are scared to death. They are scared half to death of you people. There may be no reason that they should be scared but they are scared half to death. They are put right on the spot. You mentioned the dentist's chair and I have to believe it is 10 times worse than that because these people, in most cases, are very sick people; they are not feeling well.

Mr. Lupusella: As a short supplementary on the same topic, in order that I can show my concern about why there is this postponement of those claims, in my opinion, and following my personal experience in that field, I think there is a serious problem involved in the proceedings. You have complete access to the file, just when the claim is under appeal and I think a lot of people are postponing their appeals because they want to see their files. The Workmen's Compensation Board should change its direction in some way in order that a person can have access to the file without leaving it until the appeal. That is where the problem lies.

Mr. Starr: May I just answer this? Mr. Lupusella is not aware of everything that goes on at the Compensation Board.

Mrs. Campbell: Nor is anybody else.

Mr. Starr: We are the only jurisdiction in Ontario which has access to files at the appeals stage. Anyone, including you, Mr. Lupusella, who has a written statement from the claimant, charging you with the right to look through his files before you come to the appeal board, can go right through the whole file.

Mr. Lupusella: But you have to make an arrangement with the board.

Mr. Starr: Of course. You don't think that just because you want to see somebody's personal file, we would hand it to you?

Mr. Lupusella: That is what I am trying to say.

Mr. Starr: I don't think that is right.

Mr. Chairman: Order. Mr. O'Neil has the floor.

Mr. O'Neil: Mr. Chairman, so we can keep this thing as short as possible, it is my understanding that—

Mr. R. S. Smith: Why should you have a private file on people?

Mr. O'Neil: —it was part of our leadoff that Mr. Mancini would take over from me. I'll try to cut mine as short as possible.

Mr. Chairman: For the benefit of the members who weren't here when the committee resumed, we do have a resolution which was passed by the committee that each party would have equal time rather than alternating speakers. The NDP has consumed one hour and 30 minutes. That is a conservative estimate.

[4:00]

Mrs. Campbell: Two hours.

An hon. member: One hour and 33 minutes.

Mr. Chairman: Yes, I think you're right.

Interjections.

Mr. Chairman: And about 25 minutes for the Liberals. That means that Mr. Mancini has an hour if he wishes or members of his party.

Mr. Mancini: I'm very pleased, along with Mr. O'Neil from Quinte, to help in the opening statements for the Liberal Party in these estimates. I would just like to start off by mentioning that like Mr. O'Neil I've had a great deal of my time consumed in the area of helping constituents with their Workmen's Compensation problems. However, at this time I would like to mention I'm very appreciative of the attention to the problems that I bring forth to the board and the attention that the chairman gives these problems. On a couple of occasions I've been able to meet with the chairman over at his office at 2 Bloor Street East. We've sat down and talked over some of the problems that I've encountered and I'm quite pleased with his open-door policy. With all due respect to the chairman, I believe he's trying very hard. I don't think he has all the mechanisms or the right philosophies to make the board operate better, but as a person I think he's trying very hard. I just wanted to get that on to the record.

Mr. Ziemba: It won't do you one bit of good.

Mr. Mancini: Why would you want to say something like that?

Mr. Chairman: Order, please. Mr. Mancini.

Mr. Mancini: It's just incredible.

I was just speaking about some of the constituents who have Workmen's Compensation problems and who have come to me for assistance and also to Mr. O'Neil from Quinte and to many other of my colleagues. I've got to believe that these injured workers come to the MPPs because they're confused about the system or they're afraid or possibly the most important thing is they just cannot wait any longer because of their finances. I've had many injured workmen come and ask me for their help because they are on the verge of welfare.

I'd like to mention an example of some of the problems we're having with getting these injured workmen money. This fellow was ready to go to the hospital the next day to have a shoulder operation. The people at the welfare office said "We can't give you any money because we need to take a physical." He couldn't get any money out of the board, so it took about two or three days to help this poor individual to get some money to pay his rent, et cetera.

I would think more communication between your office and some of the social services departments—ours is run by the county of Essex—would help some of these injured workmen. If a person is going into hospital for an operation, it's almost ridiculous for the social services department to ask for a physical. This brings up a major bone of contention. It just takes too long for the worker to find out if he is going to get any money.

At this time I'd like to read into the record one of my more exciting cases. This is a letter I've written to Michael Starr, dated November 2, 1976. I'll call my constituent A.L. His claim number is 10829187. The letter says: "Mr. L was hurt at work on August 16, 1976. His right hand was injured when a 30-pound weight fell on it. At 3 p.m. on August 16, he went to the nurse's office at the Allied Chemical plant, where he was told that the nurse would like to see him the next morning.

"On the morning of August 17, he was told to see a doctor at the Amherstburg Medical Centre. At 9:30 a.m. he saw Dr. Cox, who had Mr. L's hand x-rayed and put in a cast. Mr. L returned to Allied Chemical around 2:30 p.m. and he and John Brown, the union representative, went to see the nurse and filled out an accident report. The nurse then sent Mr. L home.

"Later that evening a safety representative for Allied Chemical, called Mr. L to see if he would be at work in the morning. Mr. L replied that as his hand was extremely painful, he would not be at work in the morning. The safety representative was very congenial over the telephone and said that this decision was all right with him.

"From that date until September 27, Mr. L heard no more from the company, nor from the Workmen's Compensation Board. He received only one cheque from the board which covered the period August 17 to August 25. I have received a photostat from Mr. L of a return-to-work slip on September 30. This he did. However, the board now say that they have information that Mr. L was told by his doctor to return to work, which Mr. L denies and the board is seeking a refund of the cheque he has been given.

"You may also wish to know that during the time he was off work due to his injury, he was receiving no money. He asked for a week's vacation from September 21 to September 28 in order to keep up his household obligations." Here's a man who had to ask for a week's vacation from the company so he could get some money.

"I think Mr. L has been put in a very unfair position by the company and the board. I would ask that you please look into this situation and assist Mr. L."

Then I enclosed copies from his doctor's office and a slip which the company had given Mr. L, saying he could return to work for light-duty employment.

I did receive some action from your office, Mr. Starr; you did say you would look into this particular case, but now we are into the middle of December, and almost before Christmas, and the man hasn't got any money. His hand was in a cast, and I wonder if you would look into this particular case and see if you can get it straightened out. That's the type of thing that happens and we have to start calling the social services offices around the county and other places. If there's anything you can do to force the companies or the people at the board to speed these up somewhat, I think it would help a lot of us.

Also, I think I should mention that when a person has worked for a long period of time, and he has built up some standard of living, it really wrecks his morale when you have to call the social services department to help him out with his bills.

Another area where I don't agree with your policy is the area of how you judge people as unfit to work. You assign to them a certain percentage and I just cannot understand how this is so. Today we have a person who is working and he is drawing a full wage; tomorrow he is injured on the job and he is not drawing any wage at all. You give him a temporary 100 per cent disability benefit, and after a certain amount of time he is cut down. Where is the philosophy or the principle that could prove to the board, or how do you stand up behind this philosophy, that after a certain amount of time he's ready to go back to work or that he can get this type of job when you know darned well that the employers aren't hiring injured workers and they're not going to until the Minister of Labour makes legislation that this be done—and it should be done; I think the Ontario government should be the first people to start hiring injured workmen.

I would just like your comments on that. How do you rationalize this approach? If he was working last week and he's hurt on the job this week, he gets a 100 per cent benefit; then, after a while, he's not 100 per cent any more but rather he's 50 per cent disabled, or 30 per cent. We just can't understand that. If you would just take time to explain—

Mr. Starr: Yes. I wonder—are you finished?

Mr. Mancini: I am just stopping so you can answer.

Mr. Starr: Mr. Chairman, with your permission and the committee members' permission, I would ask Mr. Kerr to deal with this aspect.

Mr. Chairman: Mr. Kerr, would you take a microphone please?

Mr. Kerr: Dealing with your comments concerning the man who is receiving full compensation one day and the next day is cut down to 50 per cent, this is not the way we operate now, Mr. Mancini. There was an amendment to the Act on July 1, 1974, which gave the board the authority and the right to continue full compensation under certain circumstances when the man has been declared fit for a temporary partial disability.

Prior to that date, what you said is quite right. The board had to have regard for the medical reports that said the man was partially disabled and he was only entitled to partial disability. But under section 41(b) of the Act, which is the reference, we can now continue to pay full compensation even though he is not temporarily totally disabled. This was done. I have a record here of January 1 of this year to July 2 of this year, where we had 1,689 claims in which we were able to provide that kind of further assistance as full compensation.

Our practice is that when we have a medical report that says this man is now fit for modified employment or, using the term that nobody likes, "light work," what we do is we contact the employer to let the employer know that this man has now been considered by his doctor to be fit for modified or suitable employment, would you please contact him and see if you can provide suitable employment? We also get in touch with the injured person and say that the medical information on file indicates just what I have said and we would suggest that you get in touch with your employer to see if suitable employment can be provided.

We also advise them both of the terms of the Act that says the man must co-operate with the Board in some kind of rehabilitation or return to work programme to qualify for this additional assistance. This is the way we are working it now, and where the man is having difficulty, if the employer can't provide him with suitable employment for his condition, we then refer it to the vocational rehabilitation branch for assistance and in the meantime we continue to pay full compensation.

Mr. Mancini: Maybe my particular cases have been judged wrong, if that's what you say.

Mrs. Campbell: You only came in here last September, didn't you?

Mr. Kerr: That's right.

Mrs. Campbell: So the amendments were in effect.

Mr. Kerr: I appreciate this opportunity to clarify it for you, because we don't seem to have that problem now as much as we did years ago, prior to the amendment of the Act.

Mr. Mancini: I still see the problem.

Mr. Kerr: We do reach the stage sometimes where it's judged that the man is no longer co-operating in the return-to-work programme and, if that is the indication to us from our own vocational rehabilitation counsellor, then we have to consider reducing compensation, and it is a 50 per cent basis then. That doesn't happen frequently but it does happen on occasion.

Mr. Mancini: What about the school bus driver or the steel worker who gets injured and is given the 100 per cent disability after the claim is approved and then, after a period of time it's reduced? I think you give them a period of time before you reduce their claim, isn't that what you said?

Mr. Kerr: No. There's no limit, as long as he is co-operating with the vocational rehabilitation branch in a back-to-work programme—which could be retraining, it could be that he with the assistance of the vocational rehabilitation counsellor is trying to seek proper employment suitable to his condition—then we would continue during that period of time full compensation. There's no limit, such as six months and cut him off. It varies in cases.

Mr. Mancini: Okay. Tell me this then, what would you do—and this is my first workmen's compensation case and we are still working on it—with the steel worker who has severely injured his back, can't sit down for a long length of time, can't stand up for a long length of time, has problems with his water, and he's now been pensioned off at 40 per cent? That's why I'm disputing what you're telling me.

[4:15]

Mr. Kerr: Well, if you will just pause for a moment—this is why we like to have a microphone over here—I can give you a few statistics on that. This was also a point brought up by a previous speaker. We can probably handle them both at the same time.

I talked about the continuation of full compensation when a man was temporarily totally disabled, and temporarily partially disabled, and entitled to full compensation under the circumstances we described. Now you have moved into a situation where a man is permanently disabled. He has a permanent partial disability and using your example, you said, 40 per cent, I believe. Under those circumstances, he has his 40 per cent clinical disability rating to which he's entitled, by the way.

Mr. Mancini: For two years; then it's reviewed again.

Mr. Kerr: All right, if we may just put that to one side for a moment so that we won't get too confused. He has a 40 per cent pension either for life or for a period of time in review, but he has his 40 per cent pension. If he is co-operating with the vocational rehabilitation people under section 42(5) of the Act, we can pay a supplement to his pension award.

As a matter of fact, this tendency has developed quite rapidly over the last few years. In 1971 we only granted 231 such supplementary awards to pensions. Last year, out of 4,600 and some odd pensions, we granted special supplements in 832—I'm sorry, 1,006.

Mr. Mancini: What are the criteria for the supplements?

Mr. Kerr: These are supplementary awards, over and above the pension for a limited period of time in review to assist him in the further rehabilitation process, as long as he is co-operating in a back-to-work programme of some kind, which once again could be retraining or it could be just trying to find suitable employment.

This year, to October 31, of the pensions that we've provided, which is in the realm of 4,500, we have awarded 1,592—almost 1,600—such supplements to pensions, which is roughly about 35 per cent of the pensions awarded the clinical disability rating to which Mr. Lupusella referred.

We have these supplementary awards; they are paid for a limited period of time and reviewed. The idea is to assist him in his further rehabilitation. Even though he is past the temporary disability stage, he is now permanently partially disabled. But rather than just drop him off where he's receiving full compensation, if he meets the requirements that I have specified, then we can put him on this supplementary which is of some assistance to him.

Mr. Mancini: Do you feel that there are some people who possibly can't be rehabilitated? You make it sound so easy: "Well, we'll give him the insurance for a while, then we'll cut him down. Then we'll give him a supplementary and then we'll rehabilitate him." Well, it's not so easy.

Mr. Kerr: In this instance we haven't cut him down. In actuality, where we were supplementing him during the period of temporary partial disability, we are now supplementing him during the period of permanent partial disability. You're quite right, it is not always easy. I am not the rehabilitation man, but it certainly is not always easy to rehabilitate some of these people. This is why the supplementary awards are being used to greater degree these days, recognizing that there are problems which we together must face.

Mr. Mackenzie: Could I ask a question on that?

Mr. Kerr: Sure.

Mr. Mackenzie: If you are now, this year, up to 1,592 out of 4,500, or as you say, 35 per cent or thereabouts, isn't it also a possibility that your original awards are just too low, and there needs to be a look at that? We now have to supplement better than a third of them.

Mr. Kerr: That could be one way of looking at it. We think that our permanent disability awards in the schedule for the clinical disability ratings are in line. They are certainly in line with the awards—that is, the percentage awards—given by other compensation boards across Canada. And they are reviewed frequently by our medical people in concert with the medical folks of the other provincial boards.

I must say, too, that these awards are given even where there is no wage loss. You would be surprised at the number of comments we receive from certain sources to the effect that an injured person shouldn't receive a permanent disability award when there is no wage loss at work. But the Act makes it possible for that man to receive a full clinical disability rating even though there is no wage loss. So with section 42(5) of the Act enabling us to give greater supplementary awards, we find that is helpful.

I am not too sure if that answers your question directly but this is the way we deal with it. Of course, in times of high unemployment we run into problems and more people are helped by those supplementary awards.

Mr. Laughren: It's hard to do that as a favour, Mr. Kerr.

Mr. Kerr: I don't think it's a favour, Mr. Laughren. It's his right under the Act, sir.

Mr. Mancini: I am not quite finished.

Mr. Chairman: Mr. Mancini.

Mr. Mancini: Do you ever foresee the day when a new system will take the place of this percentage-type system of judging a person's capability of working? Do you ever look at it in the context that last week he was capable of so many jobs which paid so much money and now because of his injury, which is permanent partial disability, all that sphere of work is now out of his reach and there are very few openings for him? Do you ever look at it that way?

Mr. Kerr: Yes, I think we do. That is exactly the way we look at it when we're considering these supplementary awards.

Mr. Mancini: Okay, where is the steelworker who made $400, $500 a week? He is pensioned off at 40 per cent—

Mr. Kerr: He fits right in. He qualifies for a supplementary award if he is co-operating in some kind of rehabilitation back-to-work programme.

Mr. Mancini: What type of job would you suggest?

Mr. Kerr: I don't know, sir, because what we have to do is know what his medical condition is at the present time; we have to know what his skills are; we must know what his aptitudes are.

Mr. Mancini: What if he is an immigrant and his language and education are poor?

Mr. Kerr: Perhaps I shouldn't be answering this question because rehabilitation is not my field.

Mr. Mancini: I see. Well then, get somebody here. You've got 25 people here.

Mr. Kerr: I would suggest you pose that question to the person representing the rehabilitation aspect.

Dr. McCracken: Would you like to put the question again, please?

Mr. Mancini: Yes, we were talking about the steelworker who was making so much money. Then, because of his injury, he has lost his capability to do these certain jobs. Then we were talking about the rehabilitation

and alternatives and openings. How do you expect him to make up the 60 per cent loss in pay that you have adjudicated him at?

Dr. McCracken: I can't speak to the dollar and cents matter of your question but when a person goes on a permanent disability pension, and the case you cited was 40 per cent, that means that he has a 40 per cent physical impairment from his injury.

Mr. Mancini: And he is an immigrant and his English and his language and his education are poor. Who is going to hire him?

Dr. McCracken: Having answered the first part, namely that the 40 per cent represents his degree of impairment in competing on the open labour market—in other words a whole man has a zero per cent disability.

Mr. Haggerty: That's if you use the word "impairment," correct?

Dr. McCracken: Yes, impairment.

Mr. Haggerty: But you don't do it, though.

Dr. McCracken: From the medical standpoint, it is—

Mr. R. S. Smith: That's not the criterion you use.

Dr. McCracken: Yes, it is. From the medical examination standpoint, it is based upon degree of impairment. Having established that, then the pension is worked out, and the pension takes into consideration the socio-economic factors. The question you asked had to do with retraining, what could he do to make up his lost wages? As Mr. Kerr pointed out, this depends upon quite a number of things; namely, what are his capabilities? You say that he has restrictions due to his basic training.

Mr. Mancini: Like many thousands of other workers in Ontario.

Dr. McCracken: Correct.

Mr. Mancini: Many thousands.

Dr. McCracken: And the vocational rehabilitation branch and the rehabilitation counsellors deal with these people every day of the week, so it's not a new or unique situation.

Mrs. Campbell: "Deal with them"—that's a very good expression.

Dr. McCracken: Deal with their case. In the course of doing this the name of the game is to fit them back into the work environment, the job that they can do—the correct place at the correct time in the correct geographical location. Now in order to do this, they require certain retraining programmes, some of them. Some of them, they find a job position that they can handle, depending upon their degree of impairment; hands, back—

Mr. Mancini: Do you have any figures on the number of people, say in the last couple of years, who have been pensioned off as having partially permanent disability and how many of them have been able to get supplement jobs?

Dr. McCracken: The number of pensions for 1975—the number of cases pensioned—was 10,000 in round figures.

Mr. Mancini: How many of the 10,000 got jobs?

Dr. McCracken: I believe that question was put at the previous meeting of the committee and the figure that was arrived at at that time was that there were 500 and some-odd in that group that did not.

Mr. Mancini: Five hundred out of 10,000?

Dr. McCracken: That is correct.

Hon. B. Stephenson: Who had or had not?

Dr. McCracken: Who had not been able to be placed in some type of work activity.

Mr. Mancini: So you're telling me 9,500 people out of the 10,000 were able to get jobs?

Dr. McCracken: Yes, that is correct.

Hon. B. Stephenson: In fact, most of them go back to the jobs from which they came.

Mr. R. S. Smith: How many of those at the 40 per cent clinical level were able to get jobs?

Dr. McCracken: I'm afraid I can't answer that question. It's obvious as you go to the higher levels that these are the ones who are becoming more and more difficult to place; true enough.

Mr. Mancini: He asked the question right. That's very good, Mr. Smith. I'll tell you, the only way we are going to solve this problem as far as people who have been adjudged as 30 or 40 per cent capable of doing the work they used to do before their injuries, is for your ministry to urge the government of Ontario to hire injured workers, to start a very forceful programme and to

encourage industry to hire them and to set a quota for them. I know you don't like the quota system because you say you don't like to restrict people, but since they're not doing that much maybe we should start out with a quota system.

Hon. B. Stephenson: There are a certain number of industries in the province of Ontario which have co-operated very diligently with the Workmen's Compensation Board in programmes of hiring injured workers.

Mr. Mancini: I'm sure I don't have all the odd cases, and many of the cases that I'm handling are these people. They are told to retrain, and I just want the minister to know that they're judged 30, 40 and 50 per cent unable to work, and they are asked to retrain and there's just no market for them.

I am sure you see this every day. I don't think I'm bringing up something that's abstract. I mean if a person is judged eight or 10 per cent incapable of work, sure he is going to go back to his old job and they're going to give him a "light" job to do.

Hon. B. Stephenson: But in most instances they go back to the same job which they left. Have you visited the rehabilitation programme? It is really quite encouraging to see the amount of co-operation which the injured workers are providing to the programme in terms of developing increased language skills and increased capabilities in certain types of occupations which are somewhat different from their previous occupations. I think our difficulty at the moment is to ensure that there will be adequate places for them once they have accomplished the rehabilitation programme.

Mr. Mancini: What are you going to say about that?

[4:30]

Hon. B. Stephenson: We have, in fact, specifically begun, last week in the Ministry of Labour, a pilot project for the hiring of the handicapped which is to encompass the hiring of injured workmen as well. We are hoping that as a result of an educational programme in the ministry we will be able to change some of the attitudes within our ministry specifically, regarding the hiring of handicapped individuals; we are specifically looking for handicapped individuals for certain kinds of jobs.

The civil service of the province of Ontario has begun the same kind of programme, but ours is a specific pilot project to demonstrate that this can be done profitably for both the injured individual and the agency involved. I firmly believe that the major problem in the area of rehiring people who have permanent disabilities of any sort is the attitude of those with whom they will work, or the attitude of the people who will hire them. I think we have always, as a society, rejected, basically, the individual who has any kind of physical handicap or any other kind of handicap.

Mr. Haggerty: You could use some injured workers to operate elevators at the Bloor Street East office to speed things up there.

Hon. B. Stephenson: They're reasonably automatic elevators.

What we want to do is improve the attitudes of employers and we felt the best way to do that was to take the lead ourselves in order to try to change attitudes within our own ministry, to hire specifically handicapped people, and to find out what kinds of mechanisms we can use to modify those attitudes so that we can demonstrate to other people—

Mrs. Campbell: How can you do all that in the private field when you have a question of assessment? Are you bringing into play something in the nature of your blind programme—the $10,000 to assist in the employment of the blind in your ministry? Is that part of your project?

Hon. B. Stephenson: Well, certainly—

Mrs. Campbell: You will compensate, rather than the employer, if that is necessary?

Hon. B. Stephenson: That is not a part of our specific project at the moment. That may be a part of it in the future, I don't know. But as I said—

Mrs. Campbell: The $10,000 isn't very much.

Hon. B. Stephenson: I agree with that, but we have had a specific communication from BOOST for example who are concerned that perhaps we are not considering seriously the hiring of individuals with impaired eyesight.

Mrs. Campbell: BOOST has been very active.

Hon. B. Stephenson: Yes. This is something, I must admit, we haven't looked at and which we are now beginning to look at. But we have our special programme which

I hope is going to demonstrate to all and sundry that indeed the hiring of the handicapped is good, not only for the employee but very good for the employer as well.

I do have some concern about setting quotas, because I am afraid of ghetto-izing individuals who have physical handicaps or other kinds of handicaps. The experience in other jurisdictions in which this has happened is not entirely favourable and I really do have some concern about that.

I believe the kind of action that we are beginning to take is one which has some promise. I hope I will be able to report successfully on it by the end of 1977. Indeed, we have not only managed to change attitudes, we have developed a system whereby we can help other employers to modify attitudes within their establishments, where we can assess changes of attitudes as a result of educational programmes and encourage the hiring of the handicapped.

Mr. Mancini: Have you any knowledge of how many workers you will hire?

Hon. B. Stephenson: I do not at the moment, no.

Mr. Mancini: A ballpark figure?

Hon. B. Stephenson: I don't even have a ballpark figure.

Mr. Mancini: I would like to bring to the Chairman's attention a brief dated September 13, 1976, that was submitted by the Disabled Workers of Ontario. I have had a chance to go through the brief. It's very lengthy; I think there are—yes, 31 points. I was wondering if the Chairman or the minister was considering this brief and if they had any opinion on some of the things that were said, like raising the temporary total disability benefits from 75 to 85 per cent and things like that. I was wondering if there was any discussion given to this brief, because I think it's worthy of it.

Hon. B. Stephenson: Yes, I think the Chairman met with the group after the brief was submitted to me—I trust that the group met with the Chairman of the Workmen's Compensation Board after we received the brief.

We did, in fact, examine the recommendations; and as you are aware I'm sure, in the spring of this year the joint consultative committee to the Workmen's Compensation Board was appointed and that entire brief was presented to that committee with the request that they examine the recommendations within the brief and make their report to the board.

Mr. Haggerty: They should have been reporting long ago, though.

Mr. Starr: Excuse me, Madam Minister. The briefs only came of recent vintage; this one in particular and others. There are quite a number of briefs and suggestions from both sides. Not only did we hear them and refer to the consultative committee, but they had the opportunity of appearing before that consultative committee to go over the whole brief again, as are the others who are making suggestions. At the moment the consultative committee, having heard them, is considering all of the suggestions that have been made to it from various other bodies also. Hopefully they will bring forward some recommendations.

Mr. Mancini: Do you think we'll have them for the spring session of the Legislature?

Hon. B. Stephenson: I would think so.

Mr. Mancini: Okay, very good.

Mr. Haggerty: The election promise?

Hon. B. Stephenson: No, this is a function of that committee.

Mr. Mancini: Also, at least in the past, injured workers have received raises in their benefits in June or July. This past year we have not had these increases. The Chairman has stated that because of inflation and because of the increase in the number of injured workers, the board is very hard-pressed for money. They had a 22 per cent increase last year to corporations and expect a 13 per cent increase this year and so on in future years.

Don't you think that the injured workers have suffered from inflation also, and don't you think that they possibly should also get an increase because of the inflation that you've talked about?

Mr. Starr: We have given a cost of living increment for the year 1974 of 10 per cent. Prior to 1974 we have given increases based on a formula which amounted to about 60 per cent in total; going back to 1942 in total about 60 per cent. But as was mentioned, all of this costs a great deal of money. I mentioned in my opening remarks that our payouts now are something around 27 per cent higher than last year.

Mr. Mancini: What are we going to do with the injured workers?

Mr. Starr: Most of them are going to the injured workers in one form or another.

Mrs. Campbell: Wouldn't it be a nice idea if you could perhaps have an injured worker as a commissioner?

Hon. B. Stephenson: Yes. It has been recommended that one of the members of the joint consultative committee might possibly represent that group specifically. That recommendation is being considered right at the moment, as a matter of fact. There are on that consultative committee, I might add, representatives of trade unions, of industry, as well as citizens who have no relationship, if you like, to the kind of activities in which the Workmen's Compensation Board would usually function. Philip Hepworth is a member of the committee as well.

Mr. Mancini: So what the Chairman is telling us is that we can't expect an increase similar to what we saw in June or July of 1975. Is that what you're telling us?

Mr. Starr: What I am saying is that we're expecting to have some recommendations from that joint consultative committee some time in January of this year, that is in about a month's time. From there it will—

Mr. Mancini: If you're working with these things every day I believe that you should know if we're going to have the increase or not. I think you should know that.

Mr. Starr: I don't know what the recommendations are going to be.

Mr. Haggerty: I imagine they'll be in line with the Anti-Inflation Board programme.

Mr. Starr: I don't think we have any jurisdiction over this.

Mr. Mancini: Just a couple of other things, if I may continue: It seems that when a person becomes injured he loses some of his rights—

Interjections.

Mr. Chairman: Order, please. Mr. Mancini.

Mr. Mancini: We were just talking about the rights of the injured workers, and I believe that once a person becomes injured it seems that he loses some of these rights. Basically I'm talking about the unemployment insurance benefits and payments which stop, and the payments to Canada Pension Plan which stop. Is there any reason for this? Is there any reason why we can't continue giving the worker his benefits?

Mr. Starr: It depends on The Unemployment Insurance Act, and it's under federal jurisdiction.

Mr. Mancini: Well as long as the premiums are being paid.

Mr. Starr: We're all concerned about this. When I say all I mean the various jurisdictions in Canada of the Workmen's Compensation Boards. We have made, all of us together, representations to the federal government to change the Act so that the injured worker may either have a suspended period while he is injured or some other form of contribution. To date we have not had any response.

Mr. Mancini: Well what about the Canada Pension Plan?

Mr. Starr: And the Canada Pension Plan also. The federal government has also a relationship to this.

Mr. Mancini: When did you make this recommendation?

Mr. Starr: Last year.

Mr. Haggerty: About three years you've been working on it. We haven't heard anything.

Hon. B. Stephenson: I think it's with some regularity, as a matter of fact.

Mrs. Campbell: The Chairman says you have to be patient in these things.

Mr. Mancini: Don't you think we should press for this a little harder?

Mr. Starr: Yes, we talked about the Canada Pension Plan.

Mr. Mancini: Also, it seems that many companies, when a person is injured for a length of time, they terminate his employment. Actually, I'd like to see—

Mr. Starr: I'm being corrected. There is some response now; an amendment has been made to The Unemployment Insurance Act, the period of suspension has been put into effect on a longer basis than it had been before.

Hon. B. Stephenson: But the problem of Canada Pension Plan has not yet been solved because—

Mr. Starr: No, not the Canada Pension Plan.

Mr. Mancini: Okay, fine. Just as long as you're working on this.

Mr. Starr: We're very much aware of it.

Mr. Mancini: Yes, okay. Also there is some practice in some companies to terminate an employee's job after he's been injured for a certain period of time. Don't you think we should not allow this?

Mr. Starr: I don't understand.

Hon. B. Stephenson: Well Mr. Mancini is saying that some employers terminate employees.

Mr. Starr: We have no jurisdiction on it.

Hon. B. Stephenson: This, unfortunately, does not come under the Workmen's Compensation Board, it comes under The Employment Standards Act. If it can be proven that the employer indeed has not dealt fairly with the employee then—

Mr. Mancini: Well I have a letter here, and I don't want to mention any names now because we don't know if it's legal—

Mr. Haggerty: You can use the name, they've got records of this.

Mr. Mancini: It says: "Mr. Stanley Kadwell 52 Homewood Ave., Port Colborne, Ont.

"Dear Mr. Kadwell: As you have now been absent from work for more than one year and have no firm date for returning to work we have terminated your employment as of June 30, 1976."

Hon. B. Stephenson: We can investigate that one if you'll give me that letter.

Mr. Mancini: I believe I was working on behalf of an injured nurse who had her employment terminated also, at the end of one year, for not being able to go back to work. I think this is terrible practice and it should stop. I think you as the minister should look into this and do whatever you can to stop this.

Hon. B. Stephenson: Well if you'll give me the specific examples we will investigate them.

Mr. Haggerty: I will see that you get the claim number.

Hon. B. Stephenson: It's not just the claim number I need. It's the company and the individual.

Mr. Haggerty: Well you'll get that.

Mr. Mancini: One other thing that I'd like to bring up and it was discussed and my colleague the member for Quinte (Mr. O'Neil) also brought this up, there was some conversation between him and the Chairman as to how to possibly improve the hearings.

I've had the opportunity to attend a hearing for a constituent at the board office at 2 Bloor Street East. I think maybe Mr. Hamilton was there—he's one of the commissioners? I believe so.

I think everything that Mr. O'Neil said was true; the atmosphere of the room and the type of feeling that I got. We were waiting outside and when we walked inside the commissioners were already there. They already had their documents in front of them. The room was all painted white and the curtains were drawn, there wasn't a picture on the wall. There were a couple of people sitting down, I think they were stenographers, and they were waiting for us.

We had the commissioners on one side, in three big black chairs; we were on the other side. That's the first thing I noticed when I walked in—you know; holy cow, we're really in for it or something like that.

[4:45]

I think the commissioners handle themselves all right, I'm not complaining about them. As far as the case being heard, I don't think there was anything irregular with the system that we have, but just the appearance of the room. If you want some suggestions on how to make these workers feel more comfortable, maybe you could draw the curtains and put some pictures up on the wall, and make everybody's chair the same and have us all go in together. I think maybe people would feel like a little more at ease.

Hon. B. Stephenson: Round tables that everybody can sit around.

Mr. Starr: We used to have flags.

Mr. Mancini: Pardon? Flags, no; we don't need any flags.

Mr. Starr: We used to have them. You see we did away with all this sort of thing.

Mr. Mancini: We're not asking—

Mr. Starr: It used to be quite formal before. Your suggestion is good and we should go along with it.

Mr. Mancini: Then I'll be looking forward to seeing the room the next time I go back.

Thank you, Mr. Chairman.

Mr. Starr: What colour did you want the walls?

Mr. Chairman: We still have 25 minutes left, if my calculations are right. Mrs. Campbell.

Mrs. Campbell: Thank you, Mr. Chairman. I want to look at this from perhaps a different angle. I wish that the minister and the talent from the Workmen's Compensation Board could have been present to hear the former Chief Justice of this province as he discussed the matter of justice with the company law committee.

The member for Lakeshore (Mr. Lawlor) made the comment that we were approaching fairer justice, and the former Chief Justice said: "I am not interested in fairer justice, I am interested in justice."

One of the things which bothers me every time I've sat in listening to workmen's compensation has been the approach of the mathematical gyrations as they relate to a person's ability. I recognize that some of this is the fault of legislation, but there's that element of slotting people to fit into some kind of preconceived mold, and human beings don't really do that. I don't know, and I never will understand, how a person can be 10 per cent, 15 per cent, 40 per cent or anything else per cent unable to work when they can't work; they can't work as a result of their disability. How somebody can come up with this kind of figure and have any kind of conscience at the end of the day, I don't know.

One of the other problems I have is that in his statement in opening up the Chairman indicated, as I understood him, that things were so great now that people preferred to stay in the system rather than getting out of it. I guess I have the wrong people coming to me, because I think of a man who came to see me the other day. He is in receipt of $80 a month compensation, he has a mother and two children to look after. He asked for commutation and was told, unofficially, because he's still awaiting an answer in interminable delay, that he would not get more than about $489 and change. The suggestion, when he asked how he was to live, was well take another mortgage on your house. Which is an interesting kind of suggestion because obviously he can't take another mortgage; he can't pay the one he's got now and he can't pay his taxes.

We sit here and we talk about a person's ability to carry on a job. He can't work at his own trade. He can, he thinks, do something in the alternative; but of course the wisdom of the board is that he really doesn't know what he's doing and that he shouldn't seek commutation. In any event, if he does, that's all he's going to get. I think that turns out to be the cost to reinstate a licence in his trade. It's strange that it worked out like that.

It's easy, too, for the Chairman to talk about needing patience. I suppose if you are being paid $45,000 a year or something in that neighbourhood, it's easy to be patient. It isn't so easy to be patient if you are on $80 a month with a family to provide for. In this man's case, because of his condition and because I knew it would take me some time to work through the system, I had to phone ComSoc and try to make some arrangements because, again, his welfare had been cut off because of the lack of a decision in the commutation process by the Workmen's Compensation Board.

It sounds as though, from what has been said, it's probably a very unusual case. Frankly, it's not my experience that that kind of things is an unusual case. I would like to know—I would like to preface this remark by stating that I don't think there's anyone in this room who will object to increased administrative costs at the Workmen's Compensation Board if, as a result of that increase, there is an effective improvement in the treatment of the injured workmen. I have not seen that.

I have seen, since they have been in this new building, that we can't find files. I attended the other day at an appeals examiner matter when it was brought out that a decision had been made in a particular case—it was the case of a nurse and they get short shrift from this board in my experience—but the situation was that there was a statement from the doctor of the board, the decision was made and she had never seen the doctor's report on this patient. I don't understand it. I think it's another case of slotting people in set spaces.

I would like to know in precise terms how many commissioners we have at head office and what the increase is since this new administration took effect. I would like to know the commissioners at both levels and I would like the salaries at both levels if I could get those.

Mr. Starr: We will get them for you. When do you want them?

Mrs. Campbell: Now.

Mr. Starr: Today? Now?

Mrs. Campbell: Surely you have that at your fingertips? You are the Chairman of the board. You know how many commissioners there were before; how many there are now in both categories.

Mr. Starr: We will get it for you in just—

Mrs. Campbell: You will get it for me; right. I understand you have also restored the perquisites of limousines and the rest. Is that correct?

Mr. Starr: The what?

Mrs. Campbell: The limousines and the cars.

Mr. Starr: I haven't seen any limousines.

Mrs. Campbell: Are there cars provided?

Mr. Starr: Yes.

Mrs. Campbell: Yes. You have restored that perquisite of office.

Mr. Starr: No. There used to be a fleet of about 250 cars and there are only about 130 now.

Mrs. Campbell: I am talking about for commissioners.

Mr. Starr: For commissioners? Each one has a car at his disposal, the commissioners of appeal.

Mrs. Campbell: Do you find that has improved the service to the injured worker?

Mr. Yakabuski: I thought you got rid of all those limousines—

Mr. Chairman: Order, please.

Mrs. Campbell: I think this is what I see when I go over there and I have been over there more than once. I don't go many times because I usually advise the people I see to go to someone who is active almost daily in the field, but I have been over there. I have been there when I have seen the appeals examiner and I have been in the room. It's a small room, as you say, and the attitude has been—well I guess you can't say it's an adversary attitude but it is very close to it. It is very stiff. It's very unyielding.

I feel very strongly about this whole area because, so help me, in all my years in public life this has been the area where I have been totally unable to understand the kind of philosophy that pervades something like this.

Dr. Godfrey is here and I am waiting to hear what he says and how he assesses a person at 10 per cent, 40 per cent or whatever when they can't work, and certainly can't work at the job they were doing.

Rehabilitation, in the case I've had, has not been a very successful thing. I've taken this up with this board before and I've given up on it because I haven't seen the effect of it. No doubt it's partly because I see the ones which fail but it certainly isn't just one or two cases over the years; it's been many cases.

I wonder why we have built into this system the provision of the worker and his responsibility to co-operate. There isn't really a built-in responsibility for the employer to co-operate. There is a kind of a begging, a pleading, a something, but nothing more than that even when the conditions in the plant have been rather bad.

My friend and colleague talked about the matter of the discharge of people by reason of injury, and we are going to look into it. I don't know how many cases you have of registered nurses who fall into exactly that category. I wonder what kind of a look there is at such a case.

The critic for the NDP has taken all the credit for any kind of improvements there have been. We have looked at the matter of The Employment Standards Act and I wonder if, in view of the situations with these injured nurses, we might also look at the problems of the public health nurses in the city of Toronto in the event of injury to them.

When you start out with the fact that CUPE and management seem to take it upon themselves to ensure that a registered nurse, who has to have all of that training, is worth $13,000 to $15,000 a year while the male lay inspectors get 16,000 to $17,000, I wonder what kind of philosophy there is within the unions in dealing not only with injured workers but with women who are injured. I haven't seen activity in that area and I would love to know that they are active in that area.

There is no question in my mind that there has to be a real review of the work place and the way in which work methods have changed, particularly in the hospital field. It's really almost impossible these days, with the working conditions of registered nurses, to establish the fact that there has been an injury on the job because the reporting system is almost nil in some cases.

These are all matters which I think have to be looked into. I could go on with case after case too, but I don't intend to; I intend to stop right now. I want to tell you that until we change our philosophy and we look at people as whole people who have been damaged in the work place and really come up with an understanding of what they and their families go through, we are just playing games in this kind of a hearing.

[5:00]

It's an abomination to me to face these people and say: "I'll get you on welfare as fast as I can until maybe we can sort out these problems." It has to stop. We have to understand that these people have a right to work if they can; that they have a right to live when they have been so injured; and all this talk about slotting them in just drives me out of my mind. Because I face them and I face their families. I face them as a lawyer, I face them in my practice, I face them at the city, and I'm still facing them.

I don't find, with the greatest respect, that there has been that much improvement as a result of the task force report. I really can't find that improvement. When you get letters back, or when the people who come to see you say: "Look they can't find my file." I never ran into that before; they at least knew where the file was even if they weren't appropriately dealing with it, now half the time they can't find a file. I think it gets lost in the elevators somehow or other.

I can't say anything further about it, but I implore the minister to look really hard at the philosophy of this thing, really hard; or let's get into the Workmen's Compensation Board in these positions people who have been through the mill and have some understanding of what it's all about to lose, overnight, your ability to earn for your family and then to be relegated to interminable waits, reviews and welfare. Thank you Mr. Chairman.

Hon. B. Stephenson: I would simply say that I feel just as strongly as the member for St. George does, having spent some 30 years looking after those who were injured and their families as well.

Mrs. Campbell: That's why I appeal to you Madam Minister.

Hon. B. Stephenson: Indeed I think certain members of the board are aware of the concern in this area.

Mr. Lupusella: Mr. Chairman, by way of supplementary comment, if I can just follow up what the hon. member has said: The Ministry of Labour—

Mr. Yakabuski: On a point of order Mr. Chairman: Maybe I did not fully understand, but I understood there was an agreement that the official opposition would have X amount of time, followed by the other party.

Mr. Chairman: Right.

Mr. Yakabuski: And then there is still another party in the House, I thought they would follow the Liberal Party and that there would be ample opportunity, as we go through these estimates or whatever, for supplementary questions or for specific questions. In view of that Mr. Chairman, I feel that it's now time that that other party in the House perhaps be heard from.

Mr. Chairman: You have the floor, Mr. Yakabuski.

Mr. Yakabuski: Thank you, Mr. Chairman. I've listened with great interest for some hours today, I wasn't able to be present because of other duties for the entire presentation made by the official critic for the New Democratic Party, the member for Dovercourt; the official critic for the Liberals, the member for Quinte, and of course supported by other members of his party.

I would have to say, Mr. Chairman, at the outset, that I was quite impressed in a certain way by some of the information that was brought before the committee today, especially that given by the member for Quinte because I feel it was constructive and very useful to all present.

I couldn't help but have my mind race back when the member for—St. George is it?

Mrs. Campbell: Yes, sir.

Mr. Yakabuski: When the member for St. George mentioned something about limousines, my mind raced back immediately to a boy of 13, in 1934 when Mitch Hepburn took over the government and had a big auction up in Varsity Stadium where he sold all the so-called limousines, got a hell of a lot of publicity and bought bigger ones.

Mr. Sweeney: What's that got to do with the Workmen's Compensation Board?

Mr. Yakabuski: We were talking about limousines. The hon. member for St. George asked about limousines and I was just reminiscing.

Mr. Sweeney: That's why this government doesn't do anything. All they do is reminisce.

Mr. Yakabuski: Anyway we are doing a lot more than reminiscing.

I mentioned that I thought the member for Quinte made a very admirable presentation this afternoon. I heard it all and I think he did his party and the province justice.

But I wanted to say that I had the—I don't know if it was a privilege or a misfortune—of being chairman of a committee some four and a half to five years ago, that was charged with the responsibility of looking into the workings and the activities of the Workmen's Compensation Board. We sat from late March in 1972 until late June; and when I say sat, I want to tell you that we sat almost daily and nightly. We came up with what we felt was a very comprehensive report containing many recommendations and so on. I think the member for Cochrane South (Mr. Ferrier) was on that committee and I think he well remembers the number of hours that were put into sittings at that time.

I don't think the coin looks that much different today when we hear the presentations being made by various members of various parties. But I don't think that that is actually so; my view differs somewhat. I think after those hearings were completed and the report came down, that there was a complete overhaul of the Workmen's Compensation Board in late 1972.

We all know the chairman was replaced. We all know that various other actions were taken to make it perhaps more humane, make their approach more humane, to do various things that would be beneficial to the injured workmen. I have to say in all honesty, Mr. Chairman, that I think many and most of these have taken place.

As a matter of fact, I think we are all aware that the Workmen's Compensation Board has become more sensitive to the needs of injured workmen. Mind you there are those in our society who feel that maybe the pendulum may have even swung too far. I am saying there are those, I am not saying that. There are those in our society who feel that we may have even swung the pendulum too far; that we have overreacted and that in some instance we have become overly sensitive to the needs of injured workmen.

Now I don't really share that opinion, but I have been representing constituents at appeal board hearings for some 13 years and I want to tell you this: There are always two sides to a coin. I have gone into hearings with a constituent where I have had access to the file, I have studied all the material, and after some experience I come to the conclusion that the claimant may not have a case.

Now this is the surprising thing. I don't say I guess right or assume right or know all, but the surprising thing is that in many instances the appeal board does rule in favour of that claimant. I have gone to appeal board hearings with other claimants, constituents usually, where I feel the claimant certainly has some justification to take it to the appeal board; and there has been a number of occasions when I've been disappointed, I've felt the claimant did have a case and the ruling of the appeal board was that their decision of such a date will stand. I wanted to bring out both sides because I think it's most important.

Now I think the hon. member for St. George has mentioned something about losing files. I'm not here to defend the minister.

Mr. Lupusella: That's what you are doing.

Mr. Yakabuski: The hon. Minister of Labour is one of the most capable members of that Legislature and most capable of defending herself here or in the House or anywhere else. I'm not here to defend her, but I want to bring out certain facts that I think should be brought out before a committee like this, because when you are saddled with listening to one side of the story or looking at one side of the coin for an entire day or more, I think it's time perhaps that some of the other facets are brought in and that's what I intend to do here this afternoon.

The member for St. George has mentioned the loss of a file or files. I am remotely associated with a very small, struggling hardware business in very rural Ontario—

Mr. Ferrier: Struggling?

Mr. Yakabuski: —and even in that small operation, with a very efficient daughter in charge of the office, very often a file is lost, most often. When we're dealing with an immense operation like the Workmen's Compensation Board, I think it's a—

Mrs. Campbell: It's a frequent problem though.

Mr. Yakabuski: —it's quite possible, but I want to point out that it's humans dealing with human problems, and as long as we have that we are always going to have such

things as the loss of a file or something like that.

Mr. Ferrier: It occurs with too much frequency though.

Mrs. Campbell: Yes.

Mr. Yakabuski: To hear the members from the official opposition and the other party, you would think that they are the only people in this province who have concern for the injured workman, and I want to make it emphatically clear that that is not so.

Mrs. Campbell: Mr. Chairman, on a point of order—

Mr. Yakabuski: Every member that sits on our benches—

Mrs. Campbell: —I conceded the minister's concern.

Mr. Yakabuski: —has as much concern for the welfare of the injured workman as those who sit on the other benches representing other parties, and I want to make that crystal clear.

Mr. Ferrier: Methinks you protest too much.

Mr. Lupusella: In 32 years, the Progressive Conservative Party—

Mr. Yakabuski: You had the floor all morning and I didn't interject; I wish that you would afford me that courtesy at this time.

Mr. Lupusella: Well I hope you're going to be very close to the reality.

Mr. Yakabuski: I gave you the floor and didn't interrupt, just afford me the same courtesy now.

Mr. Lupusella: I feel offended by what you are saying.

Mr. Yakabuski: Don't feel offended. I felt offended when I heard some of your remarks too.

Mr. Lupusella: Because we have the cases here.

Mr. Chairman: Order please. Continue, Mr. Yakabuski.

Mr. Lupusella: Which nobody can deny.

Mr. Yakabuski: We're talking about improvements at the Workmen's Compensation Board and I think this is absolutely correct. We should be talking about improvements at the Workmen's Compensation Board as we talk about improvements in any other area of the government or anything else it's concerned with. Mind you, we are sitting here in 1976 talking about improvements in the Workmen's Compensation Board, and don't think in the days of the union government in 1921 that they weren't talking about improvements at the Workmen's Compensation Board; and don't think that those who come after us, some 60 years hence, won't sit around tables like this, or perhaps in some other environment, and still be talking about improvements, because I don't think any system is ever that perfect that there is not room for improvements.

[5:15]

Now I am wondering if there is any system in the world as bad as some of you may try to intimate the Workmen's Compensation Board of Ontario is, and the personnel who operate it are. I am wondering if anyone can tell me of a better system in this country or in the western or eastern worlds, or in the emerging nations for that matter.

Mrs. Campbell: There's always the moon and Mars.

Mr. Lupusella: That's why we have so many accidents here.

Mr. Yakabuski: But is there a better system for dealing with the industrial or the work accident victim anywhere on the globe today, than there is in the province of Ontario? I don't think any of you can come up with an example, and concretely prove to this committee or anyone else that you could.

I don't say these boys are all lily-white. I've fought with many of them. I know Mr. Starr and he gets hell from me many days. So does his colleague sitting next to him; so does Mr. Decker, so does Mr. Hamilton. Many other people employed by the Workmen's Compensation Board have heard my loud voice over the telephone or have had occasion to read my mail when I go to bat for a claimant.

I don't say they're lily-white, I don't say they're incapable of error; but I do say that in my opinion they are the most capable people we have in the province, or perhaps elsewhere. They are doing a fantastic job and I think they deserve tremendous credit.

Mr. Ferrier: You are almost saying they're the next thing to Saint Paul.

Mr. Yakabuski: Mind you, I don't say there isn't room for improvements. There are

many cases, the member for St. George, the member for Quinte, the member for Dovercourt or anyone can bring a number of cases before this committee or to the board. We all have them. Perhaps in the highly-industrialized areas the number of cases coming before an individual member will magnify; certainly it should and it does, I guess.

But we all have cases. I'm trying to make the point that not in every instance is the claimant right, not in every instance. I have had occasion, in my constituency, to talk to the claimant at great length and on many occasions further discuss his disability with his local doctor, discuss it again with friends of his, discuss it again perhaps with his employer. Sometimes—I hate to admit this—but sometimes I'm driven to the conclusion that the claimant does not have a case.

These are unfortunate instances, but this is the kind of society we live in. I'm not for one moment trying to say that the claims that appear before that board are not legitimate, because in almost all cases they are. But there are instances where they are not.

There are instances where, I have to say, unfortunately, that a very fine worker becomes injured. It's a very serious injury whereby he is drawing compensation for perhaps a year or maybe up to two or three years—legitimately, 100 per cent. Then, because of medical determinations, this may be reduced to 50 per cent. Then the claimant, for some reason, found that for 20 years he worked like hell, for the last three years he didn't have to put that foot on the floor at 6:30 in the morning, but he had a hell of a nice cheque coming in. These cases are isolated; I want to repeat that, and repeat it over again; these are isolated cases but they do happen. He comes to the conclusion there is an easier way of supporting the family than putting that big foot on the floor at 6 or 6:30 in the morning.

These things have happened and consequently, in the isolated case, we have some of those very difficult ones.

I should add that perhaps in the man's or the woman's own mind they do feel they're incapacitated but in the view of the highest and best medical advice and experts you can get they are not.

I put it to you that these are some of the most difficult cases this board has to deal with. I wouldn't doubt for one moment that some of the cases being referred to, maybe even today, are similar cases. I have to say there are two sides to the coin—I've lived with both—but as long as I am a member of the Legislature I will not sit here and allow only one side to be presented.

I think this board, as I said and I'm going to repeat it, had a complete overhaul less than five years ago. They have taken various new steps in the best interests of the injured workmen of this province. Sure I know we haven't gone all the way or they haven't gone all the way, and I've said that 60 years from now we'll still be talking about the same thing; but they're doing a remarkable job. There is room for improvement but when these meetings conclude, I'm sure the members of the board and those associated with the Workmen's Compensation Board of Ontario will be cognizant of all the remarks made here today, tomorrow and whenever, and that additional steps will be taken in the interests of the injured workmen of Ontario.

Mr. McCague: Mr. Chairman, Madam Minister and the other Mr. Chairman, I'm sure it's true that every member of this Legislature is very anxious to help somebody who is experiencing problems with the Workmen's Compensation Board. I happen to represent a rural riding where, thank heavens, there aren't that many people who get injured. I guess it's because it's not a highly industrialized area but we do have some cases.

Another thing I would like to say is that, being a new member, I have had the opportunity to assist people with maybe speeding up their claims and I also inherited a few which were hanging around before I came here. In most cases, when I'm asked to visit them or when they have correspondence and I get in touch with the Workmen's Compensation Board, the problem is that they refuse to take rehabilitation. Either the nurse is too rough or it's too far to drive or, "I get claustrophobia in that place": all kinds of reasons. I would like to know, for my own information, what obligation is there on an injured workman to take rehabilitation?

Hon. B. Stephenson: Dr. McCracken, would you like to respond to that? I think there is no obligation on the part of the injured workman except his own best interest.

Mr. Lupusella: They are going to get punished by having their benefits cut.

Mr. Starr: Come on. That's the most ridiculous comment I've ever heard.

Mr. Chairman: Order, please.

Dr. McCracken: Mr. Chairman, to respond to that: First of all, I think we should clarify rehabilitation for the members here. I believe you are referring to the hospital and rehabilitation centre possibly. The hospital and rehabilitation centre is geared to de-

livering highly specialized clinical rehabilitation service. This is totally different from vocational rehabilitation, that is finding the correct job for that person with his disability.

First of all, I would like to say that so far as I am concerned no patient is forced to go to the hospital. It is recommended to the patient by our staff in approximately one-third of the cases. In over 50 per cent of the cases it is recommended to the patient by his family doctor or his attending surgeon. In the vast majority, over 50 per cent, the recommendation comes from the physician who has the responsibility to treat this person. He makes the recommendation to the patient that the patient should, in his best interest, go to the hospital to enter the rehabilitation programme.

Should a patient, upon arriving for instance, decide, for whatever reason, that he doesn't want to stay, that he doesn't want to enter the treatment programme, and he goes home, to my knowledge there has not been a single case, since I've been with the board from 1974, in which his benefits have been cut off as a result of stating that he wanted to go home.

I have told them at the hospital that, should a person want to leave the hospital for whatever reason—he's homesick; he feels he can't carry out the treatment programme; whatever the reasons—it is not justification, so far as I'm concerned, to cut off his compensation.

I believe that's what you were talking about, rather than vocational rehabilitation, but the same applies there. When a person is on a vocational rehabilitation programme but for some reason he can't complete the programme he is on, this does not jeopardize his compensation payments either.

Mr. McCague: Does it jeopardize a review of his case?

Dr. McCracken: I would say no, because when his case is reviewed it's reviewed on the basis of his disability—that is, his physical impairment—and it's reviewed as to where do we go next? What else can we do for this person which will try to resolve his problem? If he rejects treatment at the hospital and rehabilitation centre, what other facilities do we have available which we can offer him and he might accept? I don't think it enters into the equation at all; it shouldn't.

Mr. McCague: What are some of those other programmes?

Dr. McCracken: For the other programmes, of course, we have to go to what is available locally. If the person comes from a distance away we have to see what facilities they have at the local hospitals; what facilities they have in the way of physiotherapy programmes. Occupational therapy programmes are limited throughout the province so usually we can't avail ouselves of that. We do have social workers' services available to us. We have our rehabilitation counsellors in the field who can make contact with this person and, in conjunction with his treating physician, can determine what his capabilities may be to try to get him back in the work force.

Mr. Kerr: Mr. Chairman, may I add something to the comments that Dr. McCracken made? Since the claims services division is responsible for the payment of compensation, I confirm what Dr. McCracken said about the man who does not wish to receive treatment at the centre or wishes to leave the centre. However, I would like to refer back to my previous comments so there is no misunderstanding on the part of the members of the committee.

When we do extend full compensation where the man is temporarily or partially disabled, or we pay a supplement to his pension under section 42(5), I stated earlier in the day that the man must co-operate in a vocational rehabilitation programme to qualify for those supplements. That does not mean that he has to be in a retraining programme. As long as he is co-operating in a back-to-work programme of some kind, which could even mean looking for work with the assistance of our rehabilitation counsellor, he is engaging in a back-to-work programme. I didn't want the committee members to misunderstand that to qualify under section 41(b) for the continuation of full compensation when he's temporarily partially disabled, that element of co-operation must be there.

It must also be there when we augment his pension with a supplement under section 42(5). Those are two examples of when the co-operation of the man in back-to-work programme, a rehabilitation programme, is essential.

[5:30]

Mr. McCague: What kind of percentage of the problem is the unwillingness to co-operate?

Mr. Kerr: I don't have any figures with me, Mr. McCague. I think it's very minimal. We have very few, to my knowledge, where we reduce the supplement because he is not co-operating. I think in Mr. Starr's com-

ments he mentioned about the period of compensation being longer; I think the reason for that is because we are continuing full compensation in these temporary partial disability cases, and quite legitimately so. I really don't have those statistics available.

Mr. McCague: I'd just like to comment on the atmosphere of the hearing offices. I agree with the comments that have been made, but I think the member for St. George would agree that she seldom has gone into a relaxed courtroom—

Mrs. Campbell: Oh, that's true, but I didn't know this was a courtroom I was going into.

Mr. McCague: You will understand my question as I go along a little further. I understand that it wouldn't be possible to exclude lawyers when a hearing or an appeal is being held?

Mr. Starr: Many lawyers represent claimants.

Mr. McCagul: That's right.

Hon. B. Stephenson: Are you suggesting that they should be excluded?

Mr. McCague: There are quite a few here, I know, but in the interests of atmosphere it might be helpful. There's a rigidity that goes along with the presence of lawyers in any kind of an appeal, that I for one don't happen to agree with. In previous positions that I have held I have found that each time there was a lawyer present the hearings were more rigid. I've also advised a lot of my constituents that if they have problems with their municipality it's better that they go themselves and explain the case in a relaxed atmosphere. I have found the lawyers to be busy people and, with no disrespect for them, I would suggest that a lot of people going before such an appeal board would do just as well without the legal people there. That is nothing against a lawyer, it is just something in favour of better results as far as I have found over the years.

Mr. Laughren: It's a pretty fine line.

Mrs. Campbell: I'm not suggesting for a moment that I'm promoting lawyers for this job, there are other people to do it.

Mr. McCague: I was promoting atmosphere.

Mrs. Campbell: But when they do, the atmosphere is not created by lawyers, it is created by the way the system works.

Mr. McCague: Mr. Chairman, is that enough defence from the member for St. George?

Mr. Chairman: Mr. McCague, continue.

Mr. McCague: Mr. Chairman, in view of these inflationary times, how far back would you look at awards that had been made? How many years back would you go?

Mr. Starr: I think we went back to 1942 or 1943.

Mr. McCague: Is that automatic?

Mr. Starr: We brought it up to date at the end of 1973 in one lump sum, and an amount had been totalled. It was at 2 per cent per year up until 1972, in 1973 it was 4 per cent. Consequently, in total it was about 60 per cent.

Mr. McCague: Did you find any that you missed?

Mr. Starr: They were all adjusted upward.

Mr. McCague: You haven't found any that you missed?

Mrs. Campbell: They missed them where there was more than one claim.

Mr. Starr: They would have been brought to our attention if they'd been missed, because they were done manually. They are all on the computer. I don't know any that have been missed. Then we gave an additional 10 per cent for the year 1974 in 1975.

Mr. McCague: The point has been made before, but I think it is very valid, that some people run into great difficulty in getting, let's say, interim financing when they do have a serious injury, and people who are inclined to work from week to week, I don't know what you can do about that. I know one thing we could do that would be helpful—it took a long time, at least in rural Ontario, to get away from the idea of going to the poorhouse. Now they're all called nursing homes, and the people are very anxious to get in there. Our welfare system has been renamed social services, so I think that if all the members would use that more than welfare, that might catch on over a year. I understand the reluctance of people to ask for social services but I think that's really what they are there for, to tide people over in those difficult times.

Mrs. Campbell: Changing the wording doesn't change the system.

Mr. McCague: I think it has helped considerably. You can all remember when it was called the poorhouse. May I ask the minister, is there any way that there can be an obligation put on the doctors to give a report to the patient of what they send into the Workmen's Compensation Board?

Hon. B. Stephenson: The patient simply has to ask for it, that's all. Any physician who is treating a patient most certainly is obligated, when the patient asks, to tell the patient specifically the information which was given to the Workmen's Compensation Board.

Mr. McCague: That's one thing that causes a lot of problems. A lot of them don't do it and the patient thinks the report that is going to go to the Workmen's Compensation Board is much different than what actually goes.

Mr. Haggerty: It's confidential.

Hon. B. Stephenson: Yes, it's confidential to the physician. That's why the information regarding consultations with other physicians, be they those who are employed by the Workmen's Compensation Board or other consultants, are in fact sent to the family physician or the physician who is treating, who has the primary responsibility for treating that patient. All of that information is submitted to the physician so that indeed the physician can discuss the whole area or the whole problem with the patient at any time.

Mr. McCague: There is nothing than can be done about it being mandatory that a patient get a copy of the physician's report?

Hon. B. Stephenson: That has some connotations which I would doubt that the profession would think are particularly good for patients. The problem is to explain the medical terminology. Unfortunately, doctors tend to speak medical jargon in most of the reports which they submit and in many instances that does have to be explained to patients. It has always been felt to be better to have the physician present to explain that—or the office nurse if you will, it doesn't matter—but doctors have a moral responsibility and an ethical responsibility to discuss this information with patients at any time the patient requests.

Mr. Ferrier: They don't always do it.

Hon. B. Stephenson: Is that not being done?

Mr. McCague: If there was something that could be done to stress that part of it, I think it would be helpful to the patient and to the board.

Hon. B. Stephenson: In the Workmen's Compensation workshops which are held in conjunction with the Ontario Medical Association, I know that the board doctors who go to meetings of various branch societies of the OMA do stress at every opportunity that it's the physician's responsibility to ensure that the patient is aware of the medical decisions that have been made and the medical diagnoses that have been made.

Mr. McCague: If the physician didn't do it, when would be the first opportunity an injured person would have to see the medical report that was submitted?

Hon. B. Stephenson: He has the opportunity to see the medical report through his own physician and—

Mr. McCague: But barring that?

Hon. B. Stephenson: If he is not successful in that area, the thing that he can do is immediately to contact the College of Physicians and Surgeons who can tell the physician to do it.

Mr. McCague: He wouldn't see it until the appeal came up at the WCB?

Hon. B. Stephenson: He can see it at any time that he wants to if he asks for it, not from the board, from his physician.

Mr. McCague: Not from the board?

Hon. B. Stephenson: No.

Mr. McCague: Thank you.

Mr. Chairman: Mr. Mackenzie is the next speaker. The vote will be at 5:50. If you want to start, Mr. Mackenzie.

Mr. Mackenzie: I'll let Mr. Ferrier go ahead.

Mr. Ferrier: If Mr. Mackenzie would yield to me, I will try and get my presentation in in 10 minutes.

Hon. B. Stephenson: Nine and a half.

Mr. Ferrier: I will try to even get it in in that time. I have been involved in workmen's compensation cases for nine or so years and haven't really seen the case load lighten with changes in administration and changes in legislation. The kinds of problems have changed. but there are still the problems of long delays in a case where there is some investigation needed, there are still the problems

of people phoning the board from out of the city area and not getting responses.

However, the thing I want to deal with today is the whole area of lung conditions in the gold miners. It's been a long-term theme of mine, where older miners' lungs deteriorate and when they go to the mining x-ray station, or the Ministry of Health as it is now, and get their x-rays, they do not have silicosis from a radiological point of view. They will sometimes be told that they've got emphysema or they've got bronchitis, or there's a combination of things. The man is disabled, he can't continue working at his old job or perhaps not in any job; there's no place for that person to go and because the condition silicosis cannot be diagnosed by x-rays the man is out of luck.

I've had some doctors say that functional tests should carry some weight with the board, but to my knowledge they really are of very little significance. Sometimes, if a person is wise enough to go to a specialist and their physical condition is good enough, he will sometimes get a lung biopsy, but that is not normal practice and it's not always done because of poor health.

There have been studies done in the last while which show that there is a greater degree of bronchitis in those who have worked in the mines than those who have not worked in the mines. I think that even though smoking may be a factor in some of these cases, it still shows that among those who have smoked in both categories that there is more industrial bronchitis in the miners than in other sections of the population.

Quite an impressive number of studies have been done in this field. I've been able to dig out some with the help of certain people. Morgan and Lapp have done a study on coal miners. They refer to other studies that have been done and I put some on the record the other night.

I would like to see us begin to compensate for chronic bronchitis. I know when you get into the field of emphysema that it's not as clear as it is in bronchitis, but I would like to see some of these studies get thorough consideration by the Workmen's Compensation Board and begin to compensate to some degree those who do have chronic bronchitis.

There is also the question of the greater incidence of tuberculosis in miners, gold miners. Studies have been done by Dr. Paterson for the Ministry of Natural Resources and I believe that you do have them.

I also was able to get in my possession a hearing that took place in Michigan, where a pathologist made the statement that with people who had been subjected to silicate for a long period of time, if they developed tuberculosis, the tuberculosis should be compensated, if they have worked five or 10 years underground.

[5:45]

I don't know why, when you have these kinds of studies that have been done and are quite common now, you can't move into this area and begin to do justice for these older gold miners. I know some of your people at the board have this information, have these studies, and I think there could be quite a bit of reform and improvement in this whole field and then we wouldn't always have to get to the position when we go before the board arguing that it has got to be silicosis and it has got to show on the x-rays, it has to be conclusively shown there.

The men have the impairment in their breathing and they have worked long years in dust. The studies are now coming out and are showing that there is a relationship, or a higher incidence of bronchitis in miners than in other sections of the population; it would seem that the information as far as tuberculosis for those who have been subjected to silica dust is an established fact. I don't know what process one takes. I thought of putting in a private member's bill, but I don't know where on earth I'd amend the Act.

I would appeal to the minister and to those technical experts, medical experts in the field, to evaluate this material that is there and to bring about the changes that are necessary so that with those miners with long-term exposure who do have chronic bronchitis, or where tuberculosis becomes involved, that you do make those changes. I think the evidence is there and you have to do justice to it. You have to improve the lot of those miners who worked in pretty adverse conditions, some of them, in the early years where there was no dust control and it was dry drilling and all the rest.

I see my time is pretty well up; but I really would plead with you, Madam Minister, to look at this and to bring about those amendments and those changes. I think it is warranted and I think there are enough members of the board who know what I am talking about. It is long overdue and I just wish you

would try to bring in something to help the situation.

Hon. B. Stephenson: In this somewhat difficult area, because it is one of the multi-causal areas, I can tell you that we are looking at it right now.

Mr. Ferrier: I hope you are able to come up with something fairly soon.

Mr. Chairman: I will now leave the chair and we will resume at 8 o'clock.

The committee recessed at 5:47 p.m.

APPENDIX B

Standing Resources Development Committee

TUESDAY, DECEMBER 14, 1976

The committee resumed at 8 p.m.

THE WORKMEN'S COMPENSATION BOARD (continued)

Mr. Chairman: Mr. Haggerty.

Mr. Haggerty: Half an hour?

Mr. Chairman: You're entitled to 15 minutes.

Mr. Haggerty: I hope I get longer than 15 minutes.

Mr. Chairman: Followed by Mr. Mackenzie.

Mr. Haggerty: I was concerned about the opening speech by the Chairman of the Workmen's Compensation Board—I'm having difficulties finding my notes I had on it—but I was perhaps a little bit alarmed at some of the comments that he expounded on; and in particular I sensed that it's going to lead, perhaps, to a more adversary system again. I thought perhaps he was thinking about one or two major causes or problems there. I think you mentioned something about $300 million paid out in benefits for a period of 10 months and the tone of the approach was that you were going to do some cutting back and I thought perhaps you were going to have a restraint programme applied to workmen's compensation.

Mr. Starr: Not at all. I just wanted to impress upon the members that we are paying huge amounts of money out for large numbers of incidents.

Mr. Haggerty: You frightened me, right from the opening. You said that the corporate board, and that gives the impression that this board is above all other means.

Mr. Starr: That's the way the Act describes us.

Mr. Haggerty: Well, that's kind of frightening and perhaps this is what some of the members are trying to draw to the attention of the board; that you should perhaps be getting down to earth with some of these problems at the level of workmen's compensation, and the injured workers in particular. That kind of frightens a person, I think, when you mention the board as that large. I thing my main concern is that following the Health and Safety bill that was passed just within the last day in the House, I was concerned about this omnibus bill that the minister keeps talking about and I'm going to make my remarks perhaps to the Report of the Royal Commission on Health and Safety of Workers in Mines.

I was concerned about one particular paragraph in here which relates to the powers of the Workmen's Compensation Board. It's found on page 156 of Report of the Royal Commission on the Health and Safety of Workers in Mines as it relates to this; and its says—I'm quoting point 25 there:

"The Workmen's Compensation Act contains provisions for the board to invoke the formation of safety committees for accident prevention in companies with adverse injury experience, although to the commission's knowledge the board has not exercised this right."

I find that a rather alarming statement for the commissioner to make as it relates to the Workmen's Compensation Board, when you go back and relate to the number of accidents and injuries throughout the province of Ontario, particularly as it relates to the mining industry but also to the other industries in Ontario. I feel that you had a responsibility here in this field that you neglected; to move in this direction to establish safety committees in industries in Ontario. I'm sure that some of them have been a poor risk, you might say, that there have been a number of accidents in certain industries in Ontario. It's regretful that you didn't move earlier into this thing without being directed by this report.

Mr. Starr: Would you like us to deal with it.

Mr. Haggerty: Well, perhaps if you want to.

Mr. Starr: Mr. Harding will deal with it.

Mr. Harding: Yes, the section that Dr. Ham was referring to is section 86(7) of The Workmen's Compensation Act, which relates to those employers with adverse experience on the basis of the regulations. There are somewhere around about 1,000 employers per year who qualify under that section. Many

of those are relieved on appeal because of extenuating circumstances.

The board has not made a mandatory order for any of such employers to form mandatory joint safety committees, to my knowledge, and the reason for that has been that the board itself has not considered itself as a safety authority. The authority for safety rests with the safety associations and the ministries.

What the board has done is that each of those situations where an employer has qualified for an additional assessment under section 86(7) is to provide a full record of all of that employer's experience to the appropriate safety association. The association then visits the employer to discus with him, not merely a joint safety committee but an overall safety programme, one of the facets of which may well be a joint safety committee. The board hasn't seen it useful from its own standpoint to compel action without the full programme being implemented through the safety association.

Mr. Haggerty: This relates particularly—

Mr. Harding: I think there is strong pobability that many of those employers have, in fact, formed joint safety committees as a result of advice and guidance from the appropriate safety association; but such safety committees probably operate better on a voluntary and co-operative basis rather than an imposed basis.

Mr. Haggerty: You're quite right. It goes on to say 90 per cent of industries do have joint health and safety committees. But my main concern in this matter, and I raised it with the minister, is the difficulties that there were in the mining sector of the province of Ontario where there had been a certain amount of a glut, I should say, of unsafe practices in mine safety. Whether there was confusion as to whose jurisdiction that fell under I don't know.

Hon. B. Stephenson: Now you know, Mr. Haggerty.

Mr. Haggerty: Pardon?

Hon. B. Stephenson: Now you know.

Mr. Haggerty: Yes; but you see it was all handled by the Workmen's Compensation Board so in a sense you still have the one body responsible to see that health and safety was a major concern, that is the Workmen's Compensation Board. I feel in this particular section the board let down the employees in the mine and smeltering industry in the province of Ontario. There is no doubt about it, you should have moved, the board should have moved in that direction six or seven or eight years ago instead of bringing in legislation now. It's about seven or eight years too late.

The other section to which I want to make reference in this report relates to occupational health protection, on page 252:

"In the commission's view the existing Occupational Health Protection Branch in the Ministry of Health has conducted critically important studies with inadequate resources and has been forced to work in a crisis-to-crisis atmosphere which is not conducive to the development of public understanding of the complexity of occupational health and safety. The commission believes that the priority given to this branch reflects the absence of a legal mandate, as well as the massive preoccupation of the provincial health care system with disease and diagnosis as contrasted with a preventive service.

"A further manifestation of the latter situation is the absence of any significant emphasis on occupational medicine, industrial hygiene, and medical and engineering education. Few mining companies provide their workers with the service of a resident or a consulting physician experienced in occupational medicine, and in the industry there are few active specialists in industrial hygiene."

That's rather an alarming statement to make. There's no doubt that the minister responsible for mines and even the Workmen's Compensation Board have neglected this other stage in work or occupation as it relates to health and safety in mining. That's kind of critical of the operations of the Workmen's Compensation Board.

Hon. B. Stephenson: If I may, Mr. Chairman, I am not sure that what the commissioner was saying there was really related to the function of the Workmen's Compensation Board. What he was relating was his concern regarding the function of the occupational health protection branch—

Mr. Haggerty: That's right.

Hon. B. Stephenson: —within the Ministry of Health, which has been traditionally a separate entity—

Mr. Haggerty: That's right.

Hon. B. Stephenson: —in terms of function, from the Workmen's Compensation Board. There isn't any doubt in my mind that there needs to be a very close relationship between the occupational health and

safety authority and the Workmen's Compensation Board because they can share experience and information and I think, as a result of their concomitant function, will help to improve matters at the preventive end; and hopefully minimize the problems at the other end when prevention has failed.

Mr. Haggerty: I am quite aware of the responsibility of the Ministry of Health in this area but for some unknown reason, I think there was a lack of dialogue with the Workmen's Compensation Board.

Hon. B. Stephenson: One of the very—

Mr. Haggerty: When it comes to the matter of bringing detailed information to the Ministry of Health—the occupational health section—through the Workmen's Compensation Board, I don't think it was there.

Hon. B. Stephenson: One of the very strong reasons for incorporating the occupational health and safety authority under the Ministry of Labour was the responsibility of the Ministry of Labour for the Workmen's Compensation Board. It is certainly hoped, and it is most definitely the intention, to ensure that there will be not only consultation and communication but also co-operation in development.

Mr. Haggerty: That brings another point up. The question is whether the Ministry of Labour is going to have sufficient funds to hire the number of qualified staff to do all this research to bring in all the information that is available.

Hon. B. Stephenson: I would like to reassure you that I believe we will have the funds available. My very real concern is that there will not be sufficient personnel available to hire. As I have said before, of the 38,000 physicians, for example, in Canada, there are only 75 to my knowledge who have specific expertise in occupational health and safety. We do have a dearth of trained individuals in this entire area which must be corrected.

This is why I was interested and concerned to hear the recommendations during the standing committee hearings regarding the necessity for educational programmes for workers, managers and others in order to ensure that there are some people with some expertise in this area. We will be able to hire as rapidly as the people will be available to us, and our programme or plan is to do just that.

Mr. Haggerty: I can recall a number of debates in the Legislature and in committee when we brought to the attention of the Ministry of Health that they should have more expertise in the field of occupational health. For some unknown reason they could never come up with sufficient staff or the money—I think the money was the major cause of not hiring.

Hon. B. Stephenson: The other problem is that unfortunately universities and medical schools have not been sufficiently concerned or aware of the potential problems of occupational health and safety and have not made it a priority until the last year and a half. As a result of some impetus and some concern being expressed to them two Ontario universities and one more now—two more now—are becoming very much concerned about the training programmes which are necessary for occupational health protection.

This has been a very recent development and I have to tell you that the universities, the faculties of medicine, schools of hygiene and various other institutions have not demonstrated an adequate concern in this area. I am not saying it's the universities fault. I think it is probably the fault of everyone; certainly it's the fault of the medical profession which has not looked upon this area as one of the more enticing or glamorous areas of the practice of medicine and has not encouraged it until this time.

[8:15]

Mr. Haggerty: You've lost a very knowledgeable person in occupational health diseases and that is Dr. Ernest Mastromatteo who has gone to International Nickel Company now.

Hon. B. Stephenson: He chose to leave.

Mr. Haggerty: He chose to leave but I can just imagine—

Hon. B. Stephenson: We couldn't afford to pay him—

Mr. Haggerty: It must be—

Interjection.

Mr. Haggerty: How much was that?

Hon. B. Stephenson: I'm not going to—I'm sorry.

Interjection.

Mr. Haggerty: You are not going to put that out.

I can just imagine the problem that will arise if a person, any employee of International Nickel Company appeals to the Workmen's Compensation and has to come up against the knowledge of Dr. Mastromatteo. When they come armed with solicitors there isn't a ghost of a chance, I think, of anybody winning an appeal. The odds are against him. I feel that we've lost a person knowledgeable in this particular field.

Hon. B. Stephenson: Are you suggesting that because Dr. Mastromatteo has gone to work for private industry he is going to lose his concern for the protection of the health of the individual worker? I think that is the reason he went to Inco, isn't it?

Mr. Haggerty: I hope not.

Hon. B. Stephenson: I don't think that's going to happen.

Mr. Haggerty: I think perhaps it's an indication that International Nickel Company is concerned about the health and safety of employees in the plant operations.

Hon. B. Stephenson: That's right. They have also hired, as you know, Dr. Warner in addition to Dr. Mastromatteo. They have two experts.

Mr. Haggerty: I think it's rather—well, I won't go any further. The other matter is on page 264, appendix A, and this is what I want to ask the minister and the Chairman of the Workmen's Compensation Board about. "That section 53 of The Workmen's Compensation Act be amended as necessary to provide a clear entitlement for rehabilitation compensation based on the principle of work adjustment for persons subject to exceptional exposure to environmental health hazards at work."

Hon. B. Stephenson: That recommendation, I believe, is being studied now.

Mr. A. G. MacDonald: Mr. Chairman, we have noted this recommendation by Dr. Ham. Our legal advice is that section 53 is broad enough to encompass the programme as it presently exists. If there is any need to make that clearer in the next amendment to the Act, we will be considering looking at a revised section.

Mr. Haggerty: Are there any changes in the making now that you are going to bring forward very shortly—say by next summer or something—which relate to some of the recommendations here? There are 117 of them, I believe.

Hon. B. Stephenson: Yes, but they don't all relate to the Workmen's Compensation Board.

Mr. Haggerty: No, but there are some. There are others there too that are of concern to me.

Hon. B. Stephenson: Of the 117, a very small number apply directly to the Workmen's Compensation Board.

Mr. Haggerty: I imagine, when you bring in the omnibus bill, you are going to have perhaps other changes to the Workmen's Compensation Board.

Hon. B. Stephenson: They will not be a part of the omnibus bill, if I may say. The omnibus bill is occupational health and safety legislation related to prevention of accidents and illness, hopefully, and encompassing the entire work force in the province—well as much as we can encompass in the bill. There may need to be some modifications to The Workmen's Compensation Act but I am not aware of that at the moment.

Mr. Haggerty: We can't expect any amendments to the Act for perhaps a year?

Hon. B. Stephenson: I didn't say that.

Mr. Haggerty: No. I did ask you a question in the House last June and, I believe, in October, too, concerning any consideration being given to an increase in injured workmen's benefits. You keep informing us that you have this committee which is sitting—it's been sitting for almost a year now and we are still looking for some of the answers.

Hon. B. Stephenson: They haven't been sitting for a year. I think they began in June; they were appointed in March or April.

Mr. Haggerty: It's 18 months since the last raise came through for them.

Hon. B. Stephenson: I am aware of that, Mr. Haggerty.

Mr. Haggerty: Are you concerned about it?

Hon. B. Stephenson: Yes, but the experience of the modifications which were made in July, 1975, I think has to be assessed, and that is precisely what the joint consultative committee is doing. The power to appoint the joint consultative committee was a recommendation of the task force of 1973 and we felt it was appropriate to appoint it last spring. It was done.

They have become organized and they have been sitting. They are looking at all of the

recommendation which have been made by the various groups which have appeared before the board or within the ministry concerning the Workmen's Compensation Board and they are making recommendations to the board, which I had hoped we were going to get in November, and then December, and now I hear it's January. But they will be coming forward, because that is the purpose of that committee, to review possible amendments to legislation and to look at the kinds of improvements which might be made.

Mr. Haggerty: Making a few more comments on the Royal Commission on the Health and Safety of Workers in Mines, is there any consideration that you're going to allow further compensation for those employees working in the uranium mines in Ontario? Where the risk is the greatest, shouldn't there be also a kind of risk money involved for compensation? In other words, if these are hazardous conditions you should have extra benefits there that should be given to the employees for that risk. I don't like to use the words "dirty money", but in practices and union contracts in the past if you worked at a dirty job you always received about 15 cents more an hour.

Hon. B. Stephenson: You're talking about hazard pay?

Mr. Haggerty: That's right, particularly in uranium mining.

Hon. B. Stephenson: Is that an appropriate subject for the Workmen's Compensation Board to be considering, or is it more appropriate for the negotiations within the collective agreement?

Mr. Haggerty: No, I don't think it should be there, because it's a hazardous condition right from the beginning and those persons either should be protected to the fullest, with better working conditions and better hygienic conditions, in-plant conditions in the mines; and if you can't do that, then a least come through with something that's going to look a little bit better for them if they do come down with an industrial disease.

I've talked to a number of persons who have come down with silicosis from working around the uranium mines in the Elliot Lake area, and often they are put out on early pension or told that they have to get a different type of employment, it's better for their health; but they still end up with a disability and it's hard, in a sense, to compensate them for it. They're not totally disabled but they still have a degree of discomfort. They're restricted in a sense for other employment.

Hon. B. Stephenson: Within radiation, yes.

Mr. Haggerty: Working any place in the uranium mines you are going to run into radiation. The radon gas is there.

Mr. Starr: Are you suggesting a higher percentage of compensation for them?

Mr. Haggerty: Where there is a risk there should be a higher percentage there for them.

Hon. B. Stephenson: You're talking about a higher rate of compensation for those individuals.

Mr. Haggerty: That's right, right from the start.

Hon. B. Stephenson: That was the question that I asked. I asked if you were talking about a higher rate of pay?

Mr. Haggerty: No, it is a hazardous working environment and they should be—

Hon. B. Stephenson: Okay, so you are talking about hazard compensation.

Mr. Haggerty: That's right, hazard compensation. That's what I'm asking; are you going to give any consideration to that type of employment?

Mr. Mackenzie: Maybe additional hazard compensation payments too.

Mr. Haggerty: I think there is a risk to the person to go down there. They're not doing it for themselves, they are doing it for the public as a whole and I think they should be compensated dearly for that risk that's involved. As long as you're going to deal with uranium, the risk is going to be there regardless of what you do.

Hon. B. Stephenson: The programme which was established at Elliot Lake for removal of workers from the area or risk takes that into account to a certain degree, but this is a concept which could be examined by the joint consultative committee, yes.

Mr. Haggerty: I think it's an area that should be looked at. I think there's room for further consideration of that particular area.

The other matter I want to ask members of the board is, can you define "impairment"? What do you mean by that? Like section 42: "Where permanent disability results from the injury, the impairment of earning capacity of the employee shall be estimated from the nature" and so on. Would you give me the definition of "impairment" and how you interpret that particular section?

Mr. Kerr: I'll start off, and I assume that perhaps Dr. McCracken would like to augment the answer for you, Mr. Haggerty.

In section 42, it says: "Where apparent disability results from the injury, the impairment of earning capacity of the employee shall be estimated from the nature and degree of the injury and the compensation shall be a weekly" and so on. This is the section of the Act that gives the board authority to set up what we all know as a permanent disability rating schedule. This is based on the impairment of earning capacity of the employee expressed in the terms of percentages of the whole body and this is the context in which we use impairment in section 42.

Of course, if you get into the broader sense of what is impairment, what is impairment for one person may be different from another when you get into a temporary situation of suitable work. We could both have the same kinds of disabilities but perhaps the impairment is a little bit different in terms of degree for temporary disability, which is a qualification and something that has to be considered in putting the man into suitable modified employment. That's why we were so pleased when section 41(b) of the Act came into being, which enabled us to do something for those who were temporarily partially disabled and we were not placed in the position of having to put, generally speaking, a 75 or a 50 or a 25 per cent rating on their impairment capacity.

Going back to section 42 and the term "impairment of earning capacity," the wording gives us the authority to estimate the nature and degree of impairment, and this is the approach that's been taken by the boards across Canada in setting up their permanent disability rating schedule.

Mr. Haggerty: It doesn't actually refer to his loss of earnings, does it? All you are talking about is just the degree of injury. You have twisted that around to say if you have got a back injury it's only 10 or 15 per cent, but you don't take in the total of the impairment of wages if he can't get a job, for example, or he is going to be classed as light modified work, which makes it pretty hard for him to pick a job up. So you leave him in a position there with very little income, say $60 or $80 a month, but you haven't taken into consideration the impaiment of wages, loss of income.

Mr. Kerr: There are two situations. I don't know if you were here when I was explaining the supplementary awards under section 42(5) which is based on the man's wage loss, so that we have two approaches. We have the clinical degree of disability under section 42(1), and then if the impairment of earning capacity of the employee is significantly greater than usual for the nature and degree of the injury, that's where we apply section 42(5) and we have regard there for his actual wage loss prior to the accident. With a combination of the two today we are in a pretty good situation to take care of that kind of problem. I also reported that so far this year we have about 1,600 pension cases, around 35 per cent of the pension cases, where we have augmented the pension with the supplement based on his wage loss.

Mr. Haggerty: That's the difference between the workmen's compensation in Ontario and some of the states in the US. In California, a person would receive full benefits. You restrict yourself to a certain—

Mr. Kerr: If I could just make one comment, and then Mr. Harding would like to comment, I think it's rather important too that there is a body of thought that we shouldn't be giving a full clinical disability rating when there is no wage loss and it's fortunate that the wording of the Act in 42(1) gives us that authority to estimate the impairment. If it wasn't for that, the people who have no wage loss wouldn't receive a clinical disability rating at all, which we feel would be unfair.

Mr. Haggerty: It's unfair the other way, though, where you have a total impairment of wages, isn't it? Some persons are fortunate enough that they can go out and pick up a light modified job. There is no loss of impairment, but in a sense you still pay him the $80 a month or $60 a month, but the person who can't get a job in that category is the one who suffers the most, because he's only receiving $60 or $70 a month and he has lost the impairment of wages. It's gone. That's the point that I think a number of us, when we make an appeal to the Workmen's Compensation Board, find hard to define that word there, the interpretation of it. I would say that a person who can't be placed in employment or can't find a suitable job has an impairment of wages and he should receive full compensation until he is rehabilitated through some vocational programme or been able to pick up a suitable job.

[8:30]

Mr. Kerr: In effect, the amendment of section 42(5) enables us to do that as long as the injured person is engaging in a back-to-work programme with rehabilitation counsellors; we are using that section more and more to take care of the kind of situation.

Mr. Haggerty: I don't want to deal with a particular claim, but I suppose if I went back and pulled out the file I could name a dozen of them right off the bat that say you are not following that policy. I've been two or three years battling with the Workmen's Compensation Board, appeal after appeal, and you put them down to 50 per cent from 100 per cent and that cools it off a little bit and pretty soon it goes back for reassessment and then it's down to about 10 per cent. Then you have to start an appeal all over again and then it's back up to 50 per cent.

In that particular area, where there's a family, when you are reduced to 50 per cent there should be consideration given that dependents should be given some allowance. You don't do that; you just knock off a couple of hundred dollars a month and put him down to 80 or 90 dollars a month and there's no consideration about his dependents whatsoever. That's what's wrong with this Act.

There should be a change, and I'll suggest it to the minister. There should be an amendment in this section.

Hon. B. Stephenson: It is my understanding that indeed that situation is covered; that if the individual is unemployable or cannot find suitable employment at that time, that supplemental pension can be raised to the level of full compensation, and that in that consideration socio-economic factors are considered as well.

Mr. Kerr: That is the culmination of the intention under section—

Hon. B. Stephenson: Right; that's already in effect.

Mr. Haggerty: If I had the time I'd go through that one particular case where it doesn't work. And I can list dozens of others the same way; it doesn't work.

Hon. B. Stephenson: If you have specific cases in which you feel these sections of the Act are not being applied, then I would think it would be extremely wise to make the board aware of it.

Mr. Haggerty: I have been to the board a dozen times with this particular claim and I am almost at the stage just to throw it at you because it's just about useless to go to the board any more. What you have done is you have shirked your responsibility in this particular claim. The man works at General Motors. I brought it to the attention of the board last year, the year before, and I am still bringing it to the attention of the board. What you have done here is put him on a permanent partial disability pension of about $80 a month and he was making good money at General Motors. That's as far as you go with it, so now he has to go back to General Motors and collect sick and accident benefit insurance they have there and that's going to run out some time in December. I don't know what you can do with a man with a family and yet he has to collect the sick and health insurance he has, and it has to be based upon medical evidence. He goes to two doctors and the two doctors say he is not able to go back to work, but for some unknown reason you can pull a doctor out down at the board and he says he is able to go back. You can come back and say you sent him to a medical referee; that's fine if he has the choice to go to the doctor he wants, but he doesn't even get that choice. It's the choice of this board.

Mr. Kerr: Has this case been appealed, Mr. Haggerty?

Mr. Haggerty: Oh it's been appealed a dozen times. Maybe not a dozen times but I've spent time on it for about three years.

Mr. Kerr: All that evidence that you bring out about the two doctors and everything was before the appeal board?

Mr. Haggerty: I could read the letter into the record. The board won't even recognize a previous injury in this particular case. It happened at General Motors in St. Catharines. He fell off a fork-lift truck, I believe it was, slipped on some oil or something and down he went. The first aid attendant went out and picked him up and put him in a wheelchair to wheel him through the plant and they happened to hit one of those drains with the grating that goes over the top and the chap flew out of the wheelchair, flat on his back. You won't even recognize that or give any consideration to it. You don't even want to discuss it at the board hearing. And probably that is the phase of the accident which is causing all the problems; at any rate he's got a back problem, the doctors verify that. To put the man out as you're doing with him, with $80-a-month pension, saying, "This is all we're responsible for"; that is damned well ridiculous.

Hon. B. Stephenson: Is he working at the moment?

Mr. Haggerty: No, he isn't. He hasn't worked for two or three years. You talk about rehabilitation; your programme is useless in this particular case. You get a psychiatrist's report and he says: "He has grade 5 or grade 6 education, there is nothing that can be done"; or something like that. It is ridiculous. A man who can get on the assembly line and pass the IQ test they have for General Motors is not backwards by any means. If you could get a psychiatrist's report here and—boy, these reports from these psychiatrists; I think they are the ones who have rocks in their head. I remember one case where a woman from Fort Erie—

Hon. B. Stephenson: If I were you, knowing the leadership of your party, I wouldn't make any such remarks about psychiatrists.

Mr. Haggerty: I'm not worrying about that, I'll look after my own problems.

Interjections.

Mr. Haggerty: But on this particular case where I appeared before the board, the psychiatrist's report again—I think it was from Dr. Bean or something like that—at any rate one of the commissioners said: "Read this." It was confidential, you know; I could get that nonsense from Land Anders in the paper.

An hon. member: Ann Landers.

Mr. Haggerty: It's there every week and it relates to the bedroom.

Hon. B. Stephenson: Are you talking about this case?

Mr. Haggerty: I'm talking about a couple of cases here.

Hon. B. Stephenson: I am thoroughly confused.

Mr. Haggerty: I am just talking about the matter of psychiatrists and what happens when they come into the picture. I can cite you other cases where psychiatrists have made a report to the Workmen's Compensation Board that related back to the depression days—if you've read that nonsense; and that's what it was, just sheer nonsense—he said they come from a family in poverty. How many families in depression days didn't come from that segment of society? And because the parents or one of them might take a bottle of beer or something, that was a sin too with him. They ask a person: "Do your parents drink?" If the answer is yes; then the first thing they say is he is an alcoholic. You read some of those psychiatrist reports that go to the board.

Another thing, when a person sees a psychiatrist, it's a mark against the family.

Hon. B. Stephenson: What?

Mr. Haggerty: Yes, it is.

Hon. B. Stephenson: That is a mid-Victorian, antediluvian attitude.

Mr. Haggerty: Well you just try and get life insurance—

Mr. Laughren: Let's deal with life insurance then.

Mr. Haggerty: No, you just try to get life insurance and find out what happens when they have a mark like that. They say there is a mental problem in the family; that's what they're saying in these reports. Now the minister may sit there and smirk, but you know—

Hon. B. Stephenson: I'm not smirking, Mr. Haggerty.

Mr. Haggerty: Well you're kind of happy about it, anyway.

Hon. B. Stephenson: I am very unhappy about the kinds of remarks you are making about a reasonably reputable profession.

An hon. member: Reasonably reputable.

Hon. B. Stephenson: Reasonably reputable, that is what I said.

Interjections.

Mr. R. S. Smith: What makes your part more reputable?

Hon. B. Stephenson: I mean—I am not saying—it is an inexact science—

Mr. Haggerty: This is why it is an adversary system you have there; you create more of a problem instead of trying to solve it. You don't help anybody whatsoever. You can make an appearance at the appeal board and somebody will say: "Have you tried Canada Pension Plan?"; knowing full well that he isn't totally disabled and it is tougher to get Canada Pension Plan help than Workmen's Compensation in a number of cases. This is what the leadoff speaker for the NDP was trying to get at. You ridicule the person, that is what is done through this type of response.

Hon. B. Stephenson: I am sorry, I don't subscribe to that.

Mr. Haggerty: Let's not kid ourselves, there are some sly remarks made at the board. For example, if you happen to be an Italian; they're the worst kind, they're lazy people, that's the impression that you get. Any little problem they have they want compensation for it.

An hon. member: Be careful about that.

Mr. Haggerty: Oh no, oh no; I'm telling you—

Mr. McCague: On a point of order, I don't think we have to bring nationalities into this conversation, do we? I think everybody is treated fairly in this country.

Mr. Haggerty: I don't think so. This is what takes place there.

Hon. B. Stephenson: I think Mr. Harding was trying to make a response at one point, were you?

Mr. Haggerty: No, I'm not through, Mr. Chairman. These are the problem areas. I have been here almost 10 years in the Ontario Legislature and things haven't changed. The improvements haven't been that great. It may be the best system that there is, but there's a large area that can be improved on to make it a better working system. I feel that when you sit back and look at all the different programmes that we have for persons who have come down with a misfortune through an off-the-job injury, they have sickness and accident insurance in many industries, Canada Pension Plan, private insurance plans, workmen's compensation, and perhaps there are other ones too that you probably can discuss, but when I sit back and look at it, when a person who is injured, instead of battling with one agency he has about half a dozen that he has to battle with trying to get a decent income to survive after that injury. I feel in many cases that the worker is being taken in many of the programmes.

I would suggest to the minister once again, through you, Mr. Chairman, that I would like to see a programme put forward by the Workmen's Compensation Board that would establish an actuarial study of all the benefits available to the injured workers in the province. Consideration should also be given to the establishment of comprehensive accumulation of information concerning these programmes. I think it's time that the minister and the Workmen's Compensation Board adopted a new approach to compensation for the injured, perhaps even off the job.

It's costing society a large amount of money in workmen's compensation and other insurance programmes, and I think that if you perhaps put them all together and come up with one comprehensive plan we will have something for the injured worker in the province of Ontario, and perhaps even in every province throughout Canada. I know it's costing industry for a number of these programmes, and it's also costing the employee a share of it. I think there should be a programme that's going to give someone suitable income in case of an injury and I feel you are going to have to move in this direction.

It was the comment of the Chairman here that the assessments are going up, the cost to industry; they're complaining about it, the Chairman's complaining about it; the cost involved in payments of claims and so on and when you sit back and look at what the worker has contributed to society, he pays—another programme he pays into is automobile insurance, and that gives him protection in case of injury. There's all kinds of them, and yet when I look at it, there isn't a decent programme to provide any suitable protection at all. Perhaps the minister wants to add a few comments to that?

[8:45]

Hon. B. Stephenson: The New Zealand programme has been in operation now for a relatively short period of time. It is being watched with a great deal of care in order to see whether, in fact, it is a functional programme or not. There are other programmes in certain other areas which are also being looked at, and I don't think you should feel that we are considering The Workmen's Compensation Act, as it is presently written, as something etched in stone. It certainly merits review from time to time, but indeed the major changes which have been made within the last 1½ years should be assessed before we move to any more dramatic change in this area. We're going to look at the kind of experience which other programmes have to see whether there are benefits or hazards involved in them, and try to develop whatever is best for the people of Ontario, the workers of Ontario, in whatever programme we decide upon.

Mr. Haggerty: Has the board done any studies in this particular area at all, consolidating all the present programmes that there are?

Hon. B. Stephenson: I'm not sure that the board has specifically—

Mr. Haggerty: Has anybody on the board worked on any such programme?

Hon. B. Stephenson: There have been some examinations of other programmes, yes, but as a concerted study, the report of the Saskatchewan situation is one which is being examined, yes.

Mr. Haggerty: What was that again?

Mr. Laughren: I'm surprised you would want to wipe out the private sector.

Mr. Haggerty: Pardon?

Mr. Laughren: I'm surprised you would want to wipe out the private sector that much.

Mr. Haggerty: No, I don't think the private sector should be hurt in this particular area.

Mr. Laughren: You can't have it both ways.

Mr. Haggerty: A number of employees pay into these programmes, too, you know.

Mr. Laughren: I know, but you can't have a social insurance scheme plus the private. It's not possible. It's like auto insurance; you either have public auto insurance or you don't.

Hon. B. Stephenson: Into workmen's compensation?

Mr. Haggerty: Be careful, Floyd. You remember a couple of years ago in the Legislature there was a Liberal member from Niagara Falls who introduced a bill related to this thing here—compensation regardless of where the accident happened?

Mr. Laughren: Yes.

Mr. Haggerty: You fellows didn't support it.

Mr. Mackenzie: You've taken those phoney votes since I've been in the House.

Mr. Haggerty: George Bukator was the member at that time.

Mr. Chairman: Have you concluded your remarks, Mr. Haggerty?

Mr. Haggerty: I was hoping I would get some more definite answer from the minister. In the matter where there is adjudication that is pending, where you have an appeal stage now where an injured worker's benefits have been reduced, in some cases cut right off, in some cases reduced to about 50 per cent, 25 per cent or something like that, as long as the adjudication is in the process why can't benefits be paid until a decision is brought down by the commission or by the board? Often it takes three or four months for an appeal, sometimes longer than that before you get to the final stages of it. In that time a person is suffering hardship.

Hon. B. Stephenson: He's saying that when you reduce benefits, the benefits do not persist until the final decision is made. It was my understanding that the level of benefits persisted until the final decision was rendered. If he has an entitlement? It was during an appeal? I understood Mr. Haggerty to say that the benefits were cut off before the decision was made to reduce the benefits, and I didn't think that happened. When he's reassessed the change occurs as a result of the reassessment.

Mr. Haggerty: I think when an employee requests an appeal—

Hon. B. Stephenson: It's during the appeal process that you're talking about?

Mr. Haggerty: During the appeal process, as long as the decision hasn't been brought down he should be receiving full benefits.

Mr. Wildman: While he's being reassessed it's cut too.

Mr. Haggerty: That's right, oh yes. They cut him right down.

Hon. B. Stephenson: That's the question that I asked. It's during the reassessment process that the benefits are cut then?

Mr. Harding: Benefits are only cut down when the decision has been made.

Hon. B. Stephenson: When the decision has been made on the basis of the reassessment, yes.

Mr. Wildman: I have cases here—

Mr. R. S. Smith: Yes, I know folk who were cut off while they were being reassessed.

Hon. B. Stephenson: During appeal they're maintained until—

Mr. Haggerty: That's right. They should be supported until that decision is brought down. I think a great number of members feel the same way when they run into this difficulty.

Hon. B. Stephenson: Under the Act at present, the entitlement of the individual is the basis upon which compensation or benefits can be paid. If the decision on the basis of reassessment is that the entitlement is less, then the board really doesn't have any authority, to my knowledge, to pay more than the benefit that the reassessment has established.

Mr. Haggerty: Usually the family physician says the man is unable to go back to work, and this is where you get into the difference of medical opinion. The board says he is and as long as that person is caught in that web, his claim should be supported until a decision is brought down, whether it is in his favour or against.

Mr. Starr: If I understand you correctly, Mr. Haggerty, your point is this: A person is under section 41 and receiving his benefits; he is available for modified work but is unable to find it but he is co-operating—

Mr. Haggerty: Right.

Mr. Starr: —up to a point. Then, all of a sudden, he says, "I'm not available. I can't do any kind of work." Then he's cut back to 50 per cent because he is not co-operating with the rehabilitation officer. He appeals this so you say he should be reinstated to full benefits until the appeal is heard—is that what you are saying?

Mr. Haggerty: That's right. I can go back, in this one particular case—

Hon. B. Stephenson: He's not saying until the appeal is heard; he is saying until the decision is made.

Mr. Haggerty: Yes.

Mr. Starr: Maybe I should go further and say until the decision is made by the appeal board.

Mr. Haggerty: Yes, that's right. Whether they support it or not.

Mr. Starr: Whether it be at the stage of appeal?

Mr. Haggerty: That's right. The board has a practice, I think, of reviewing the claims every so often.

Hon. B. Stephenson: Some.

Mr. Haggerty: All of a sudden, the claimant gets a letter that says he has been reduced from the maximum to 50 per cent.

Mr. Starr: For some reason.

Mr. Haggerty: For some reason. Nobody knows what the reason is until he—

Mr. Starr: Oh, yes.

Hon. B. Stephenson: The reason is given.

Mr. Lupusella: No co-operation.

Mr. Starr: They're told what the reason is.

Mr. Haggerty: But that's—

Mr. Starr: As I illustrated, that's what you meant—if he is cut back 50 per cent and enters an appeal he should be reinstated at a 100 per cent until a decision on that appeal is made.

Mr. Haggerty: That's right. In many cases the claimant will get word from the board, if he goes to appeal, such as, "Have you considered surgery?" I have seen the letters which come back, saying he refused to have surgery. The claimant says, "Are you going to guarantee that I am going to be as fit as I was before, as in good health as I was before?" You put a person in that position and he's beaten, regardless of which way he turns. I have initiated an appeal on this same basis, where you are telling him he should have surgery—

Hon. B. Stephenson: Okay, if you have a specific case with this problem, would you bring it to me—

Mr. Haggerty: I am going to bring it to the board but I'll be there at the appeal with him on this other matter and you can have the claim number—

Mr. Lupusella: As a point of order, I think, and I am sorry if I'm going to express my personal opinion, the hon. member is talking on a matter of principle. There is no question that he is talking about a particular case; I can bring so many cases down to the board with the same problem. It is a general problem and that is what the hon. member is talking about.

Mr. Haggerty: It's case after case.

Mr. Lupusella: I have cases, as the hon. member does, with the same problem and I think we should take a look at the principle of the problem. Those problems shouldn't exist. There's no question that I, the hon. member or any member belonging to any party in the Legislature could go down to the board, talk to the Chairman of the board and say, "There is a problem." We are not interested in the individual problem.

I think the Workmen's Compensation Board is supposed to use a different approach to change the principle in order that those problems are not affecting injured workers. The way the minister has been talking—she says if we have any particular complaint about any particular problem, we should bring the problem to the attention of the board. That's not the sense of making criticism against the board. The minister, the Chairman of the

Workmen's Compensation Board and other officials belonging to the board must change the policy and change positions on behalf of injured workers.

Mr. Starr: I might say at this point—I think it is about time we reminded some members who are not well enough acquainted with what has transpired at the Workmen's Compensation Board in the past two years in particular, that prior to July 1, 1974, if a medical report was received by the board that a man was able to do light work he was cut immediately to 50 per cent. We didn't think it was fair. Consequently, we brought in an amendment which became effective on July 1, 1974, that he could remain. There have been policy changes for the better and for the good of the injured worker.

It's not that nothing has been done. I want to put the record straight. We have another problem here which has been brought forward by Mr. Haggerty. It's a problem that I think we have got to take a good long look at to see whether this can be rectified.

Mr. Lupusella: I realize that and I do appreciate your comment, but when we are expressing our particular concern which is related to the case worker we run into, we are expressing the principle of the problem. We are not so much concerned about the problem itself, and I hope that officials of the Workmen's Compensation Board and you, as Chairman of the board, are going to take our criticism as a way of changing those problems which are existing within the board.

Mr. Starr: I'm not looking at them as criticisms. I'm looking at anything that is reasonable and of sound judgement as a suggestion from the members of this Legislature, and I am hoping that this is what I would get. You can imagine the problem, Mr. Lupusella, if you were a provincial member prior to July 1, 1974, the greater problems you would have had with those cases than you have now.

Mr. Lupusella: We have the problems of that kind, and we have different problems now.

Mr. Chairman: Have you concluded your remarks, Mr. Haggerty?

Mr. Haggerty: Yes, I have. I want to introduce a resolution here tonight:

That in the opinion of this committee:

1. The government should immediately move to establish an actuarial study of all benefits available to the injured workmen in this province. Consideration should also be given to the establishment of a comprehensive accumulation of information concerning these programmes, such as Workmen's Compensation Board benefits, accident insurance, Canada Pension programmes, sick benefits, welfare benefits, bargaining unit programmes and others, as well as the establishment of counsellors to aid the workers in obtaining the benefits due to them;

2. The minister consider the adoption of a new approach in this area; and it seems reasonable to accept a plan integrating all the present programmes of assistance to provide a measure or means of economic security to the injured employee and survivors' benefits.

Mr. Laughren: That's not a bad first step.

Mr. Chairman: You have heard the resolution, all in favour?

Mr. Haggerty: It covers all areas.

Mr. Laughren: Is it in order to speak to the motion, Mr. Chairman?

Mr. Chairman: Actually I have a long list of speakers. I wonder if you want to discuss the resolution now or if you want to go ahead with the members who are here who have indicated that they would like to speak tonight? It's entirely up to the committee. For instance, we have Mr. Mackenzie, Mr. Smith, Mr. Godfrey, Mr. Sweeney, Mr. McClellan, Mr. Warner, Mr. Grande—

Mr. Laughren: On a point of order, if I might, Mr. Chairman. Would it be acceptable to the committee if we left the debate on the resolution to the end of the committee hearings, at which point I would personally very much like to put a minor amendment to that resolution which I'm sure the Liberal Party would accept? Would that be acceptable to the committee?

Hon. B. Stephenson: Can we have a notice of motion about the amendment?

Mr. Laughren: Certainly. I know the Chairman of the Workmen's Compensation Board will accept it, he sat on the task force that recommended it!

[9:00]

Mr. Starr: We could foresee the future.

Mr. Laughren: Yes.

Mr. R. S. Smith: We could deal with the motion and then proceed with the balance of the committee work.

Mr. Chairman: It's entirely up to the committee, but we have a list of speakers.

Mr. R. S. Smith: If Mr. Laughren wants to put forward an amendment to the motion he can do it now.

Mr. Godfrey: Is there an amendment?

Mr. Laughren: The amendment to the motion should—first of all, I'd like to see the motion written out and in the hands of the committee because it's a very substantive motion. My amendment to it would be substantive as well.

I can tell you what the spirit of it would be but I'm not too sure that this is what you want.

Hon. B. Stephenson: I think if you have a major amendment to it perhaps it should be incorporated in the resolution now so that it can be considered with all of the factors involved in it.

Mr. Laughren: Okay. If I was to do that, I'd want to be able to debate Mr. Haggerty's motion in order to clarify it. That's the only problem I have.

For example, if I might, as I understood Mr. Haggerty's motion it indicated that there be a comprehensive accumulation of information and I'm not too sure what that means. I love the word comprehensive, but the term accumulation of information turns my mind, if not my entire metabolism, to cement.

What I was hoping the member was going to do was put forward to the committee that we abolish the Workmen's Compensation Board and in its place establish a comprehensive social insurance scheme as opposed to a comprehensive accumulation of information.

Interjections.

Mr. Chairman: Order, please.

Mr. R. S. Smith: If you listened to the second part—

Mr. Haggerty: Maybe if the study was complete, they might direct it that way.

Mr. Yakabuski: Mr. Chairman, on a point of order. I think that if we had copies of that motion, certainly for the committee to consider, it might be as well to put it off until a later time during these hearings.

Mr. Godfrey: Mr. Chairman, that's not a point of order. May I have the floor? I wish to move to table this until the end of the discussion.

Mr. Yakabuski: I haven't finished, Mr. Chairman.

When the motion does come to the committee there may be further amendments other than the one mentioned by the minister. There might be quite a number of amendments so I think the motion itself is quite important and we would all like to have a copy of that to give it consideration prior to discussing it. I think there could be a number of amendments coming from other members.

Mr. Maeck: Why don't we let Mr. Godfrey make his motion?

Mr. Godfrey: I move we table it until the end of the discussions, setting out an appropriate time for proper reception of any other amendments and discussion at the end of this period which will be Thursday, will it?

Mr. Chairman: It's been moved by Mr. Godfrey and seconded by Mr. Yakabuski. All those in favour?

Mr. Laughren: Wait a minute, Mr. Chairman. Surely we could speak to the motion? Is it not—

Mr. Chairman: I'm quite in favour of it and you could speak all night, but I'm thinking about these other people who have indicated that they would like to be on, that's all.

Mr. Laughren: Is it not safe to assume that we will be sitting until 10:30 on Thursday evening?

Mr. Chairman: I would assume that we will be.

Mr. Laughren: Then we could sit an hour—

Mr. Chairman: But if there's a vote in the interim, we'll have to vote.

Mr. Laughren: Would it be appropriate to set aside an hour or an hour and a half on Thursday? Can we wind up discussion before us by nine or 9:30 on Thursday night?

Mr. Maeck: No. Mr. Chairman, if I might just interrupt for a moment. You will recall that that's the windup of the budget debate and there will be a vote around about that time. I would suggest that you put it a little ahead of that, if you want full time to discuss it, that's all.

Mr. Haggerty: What about 6:30 to 8 o'clock?

Mr. Laughren: Nine o'clock would give us an hour.

Mr. Godfrey: I'd accept that amendment, Mr. Chairman.

Mr. Chairman: All in favour of the amendment?

Mr. Godfrey: Who's entitled to vote?

Hon. B. Stephenson: There are only four people here to my knowledge entitled to vote.

Mr. Chairman: I don't know. The clerk has gone.

Hon. B. Stephenson: Mr. McCague, Mr. Johnson, Mr. Laughren and Mr. Yakabuski.

Mr. Maeck: I'm replacing Mr. Lane.

Mr. Haggerty: I'm replacing Mr. Riddell.

Hon. B. Stephenson: Then there are six.

Mr. Chairman: There are more than that but I don't have the list here.

Mr. McClellan: I don't think Mr. Haggerty is entitled to move a motion unless he's a member of the committee.

Mr. Chairman: He's replacing Mr. Riddell.

Interjections.

Mr. Chairman: Mr. Godfrey has made a motion that this be tabled to the conclusion of the estimates.

Mr. McCague: Does he have any right to make a motion?

Hon. B. Stephenson: No, Mr. Godfrey is not a member of the committee.

Mr. Godfrey: Who am I replacing?

Mr. Laughren: I would move Mr. Godfrey's motion, if that would resolve the problem.

Mr. Godfrey: They have demoted me, but that's all right.

Mr. Laughren: I understood that you were replacing Ms. Gigantes.

Mr. Maeck: I'll second your motion.

Hon. B. Stephenson: Then in that case he does have the right to move the motion.

Mr. Chairman: All in favour of tabling the motion for later discussion? Carried.

Hon. B. Stephenson: You didn't ask for any opposed.

Mr. Chairman: Any opposed to tabling the motion for later discussion? The motion is carried. Mr. Mackenzie.

Mr. Mackenzie: Gee, I've almost forgotten what I want to say; it's been so long.

Mr. Maeck: Pardon me, Mr. Chairman, which motion was carried?

Mr. Chairman: The one to table it for later discussion.

Mr. Mackenzie: I'm sort of glad to see the member for Renfrew—I think it's South—come back in, because when he was defending the minister and her competence in her present job and in managing her charge of the board, I wanted him to know that there's really no question of disagreement on our caucus's part as to her competence, so you're not alone on that, Paul. Political philosophy is another matter, I would mention.

I've got a few questions, Madam Minister, and then a couple of things I want to raise with you. I'd like to ask you why we're into the WCB debate, which I think it a crucial one here, in the last week or the last three or four days of the session? Is this usual practice? Why are we sort of under the gun in trying to finish something as important as the WCB debate, and why are we doing it in the last two or three days of this session of the Legislature?

Hon. B. Stephenson: It was discussed by the three House leaders and the decision was made by the three House leaders about the dates that would be afforded to the discussion of the Workmen's Compensation Board. I had nothing to do with it, absolutely nothing, and neither did anyone else other than the House leaders.

Mr. Mackenzie: Would you not have had some influence in trying to get it on a little earlier in the game?

Hon. B. Stephenson: There are some problems, as a matter of fact, as a result of Bill 139 and estimates of the Ministry of Labour and the problems related to this committee's function, because it did have to hear the estimates of Resources Development, four or five ministries, as a matter of fact, since October 26. I gather that those were the reasons which were considered in establishing the dates for these meetings.

Mr. Mackenzie: The point I'd like to make is that something that is as much of a problem to the members as the WCB is, and it is a problem to members, if nothing else comes through I'm sure that has to, and we should have a little more time and not be under some of the time constraints to get into it.

We were discussing earlier, just briefly, the question of some of the disabled people and the problems we've had with employment, whether they go back to their original employers or not. I'm wondering if you have any figures that compare the percentage of people who are disabled and out of work as against the general provincial average? Have you any idea at all what kind of a situation we're in with handicapped or disabled people, accident victims, you name it?

Hon. B. Stephenson: The problems of the employment of the handicapped are reasonably well known. I am not sure that we have an actual roll of all of the handicapped people in this province who might be employable, but we are attempting to develop that as the result of the action of a multi-disciplinary committee actually related to several ministries which has been developing the numbers of handicapped people, including injured workmen, who are employable in the province of Ontario. That is not completed as yet, however. But it is in the process of being developed.

Mr. Mackenzie: One of the reasons that I am raising it with you is that one of the earlier speakers raised the question of quotas and you voiced your reservations with it. I have them as well, but I am fast coming to the conclusion that the quota route may be the only route open to us.

Hon. B. Stephenson: It may be.

Mr. Mackenzie: I suspect that the percentage of people who suffer some kind of a disablement and aren't working is a hell of a lot higher, at least if the readings I am getting in my constituency office are any indication. They are just not getting placed.

I don't know whether the minister is aware or not, but if Hamilton is not an execption for the province, the word I am getting when I talk to some of the special placement people at Manpower and the offices that attempt to assist people in town is that there is a dry-up of jobs in the last period of time like they haven't experienced in a good many years. As a matter of fact, Dave Warren in Manpower, who is very helpful when you run into disabled cases or tough placement problem cases, tells me that in his many years with the Manpower office he has never seen it so tough as it is right now. And if somebody is suffering some sort of a disability, the chances are just nil—period—of placing him. If that is general, and I am beginning to suspect it is, then we really have a problem with these people.

Hon. B. Stephenson: I think there is a specific problem in the Hamilton area which has been recognized. As you know, the community employment strategy has been initiated in that area specifically and one of the important groups which they are concentrating on is the group of handicapped or disabled workers. Mind you, I don't think they are going to single them out, but the community employment strategy committee in that area is specifically concerned with that problem because of the relatively high incidence in the area.

Mr. Mackenzie: I raised, in connection with that issue—I guess it is close to four weeks ago now in the estimates—the question of a young chap who is an epileptic, by the name of Randy McMann. One of the human rights people here was quick to take down his name and address and phone number and said they would contact him. That is four weeks ago and he has not been contacted yet. These are the kinds of things that happen that bother me when we run into a case like this.

Hon. B. Stephenson: That I will follow up because that one they were specifically asked to look at.

Mr. Mackenzie: One of the things—if you happen to be lucky enough to have an assistant that has some expertise with WCB cases—you pretty quickly get some idea of the problems they are running into. One of the things that bothers our office is why it takes so long to make payments in many cases after a claim has been brought down—or walked down. I am getting this all the time. As a matter of fact, I specifically had my assistant request me to ask that question at this particular session.

Mr. Laughren: It is the term "walking down" that gets me.

Hon. B. Stephenson: I am sorry, I didn't hear.

Mr. Mackenzie: There seems to be a delay on the payouts when you phone and somebody has brought the claim down. Somebody will say that they have X number of claims —I have heard figures all the way as high as 30 or 40—on the desk, and there seems to be a lag in getting the payments to the people even after it is established. And in many cases they are in pretty serious need of it.

Hon. B. Stephenson: For immediate compensation as a result of the injury?

Mr. Mackenzie: Yes. Right.

Mr. Starr: Initial payment.

Mr. Mackenzie: Yes.

Mr. Kerr: When we talk about this subject we have to break down the type of claim into one that is considered to be an uncomplicated claim, and then we have those that are more complicated, requiring investigation, which could be in the form of letter writing or sending out an investigator locally. And in the area of the uncomplicated claims, I think we do very well there, in that with 94.6 per cent of all uncomplicated claims, the initial payment of compensation is paid within three days from the date the employer's accident report has been received in our office.

When we get into the complicated claims where we have to make further inquiries, be it to obtain further information from a number of sources perhaps, or list a claim for local investigation where a field inquiry can be carried out and obtain information in that manner, of course it takes much longer.

[9:15]

The recent statistics I have are that in the extended disability compensation section where these complicated claims are handled, 54.8 per cent are paid within 10 working days and 94.4 per cent are paid within 20 working days from the date that we receive notification of accident. All right, those that go through quickly are the ones that you don't hear about. You hear about the ones where there are delays.

Mr. Starr: We get 200 every hour.

Mr. Kerr: And there are delays in payments going through. Right now we have volumes to contend with and we are also in the throes of a great deal of training of our new staff, of our new claims adjudicators. Wherever we run into a situation where a claim has been delayed by a staff member, the supervisor concerned has a talk with that staff member and points out where we have been wrong, if we have been wrong. I am talking about an internal delay, and let's assume it is an internal delay for the moment. There are external delays, but let us assume it is an internal delay.

If we find that our staff member hasn't handled that case in the appropriate manner, then it is the duty of the supervisor and the director to meet with that person and point out what went wrong and what should have been done to handle it more expeditiously. So we are concentrating on improving our method of making payments as quickly as possible.

Mr. Wildman: Could I ask for clarification of that? When you say uncomplicated and complicated claims, are you talking about temporary disability or long-term permanent disability?

Mr. Kerr: I am talking about the initial adjudication; whether or not the claim comes under the Act or does not come under the Act.

Mr. Wildman: So it could be either one?

Mr. Kerr: It could be either one. We have to make a determination whether the claim is under the Act so the benefits can be paid, or if it doesn't come under the Act then we are in the position where we can't make any payments.

And when I say an uncomplicated claim, it could be a serious disability; it could be a fracture or something even more serious. But if it is a clean-cut accident, no inquiry is necessary, the report comes in and it is obvious that the man has been injured at work arising out of and during the course of employment, and we are able to put that initial payment through very quickly. And then we have the type of claim that is complicated. It could be a serious injury, it could be a minor injury. But it is complicated from the adjudication point of view.

Mr. Wildman: Or an illness?

Mr. Kerr: Or industrial disease, yes. But it is complicated from the point of view that we have to make further inquiries. We just can't allow it on information that we have available to us in the first instance.

Mr. Mackenzie: In some cases; I am talking about cases where we have been informed that the payment is going to to be made and they'll have it out in the mail today at such and such a time, and two or three days later they don't have it and it hasn't gone out. I would suggest to the minister that she take a look at it. It is a problem, because I rarely get a complaint from my assistant that hasn't got a fair amount of research and information behind it. She is probably one of the best in our caucus on it.

The other thing is; is the sheer volume of claims now a problem with the board? That is what we have begun to wonder.

Mr. Starr: We receive about 1,700 new claims each working day, every eight hours, so it averages about 200 new claims each hour of the day, plus of course we do have the old claims continually coming through.

Mr. Mackenzie: What are we trying to do to handle this then, because it apparently is becoming a problem?

Mr. Starr: We have a larger staff to do this sort of thing. If they were all clean cases, we could handle a lot faster, but they are not all clean cases. In other words, there might be something missing that would not permit us to make an adjudication at the time and we have to have an investigation, and phone calls.

Mr. Kerr: May I respond a little bit to Mr. Mackenzie's question about what are we doing about volume? We have a monthly report on volume, and the directors in the three branches of the claims services division are very much aware of it and we meet to consider what the volume means in terms of service and also in terms of the experience of our people.

We are very concerned about the increase for the month of November, as an example. The figures have been quoted in the committee so I won't repeat them. If the trend continues, we have a watch on that and we have to plan ahead, because it takes three years to train and have a claims adjudicator experienced enough to be at the level where he or she—and we have both—is a pretty good adjudicator, a general adjudicator. Not an expert, but a pretty good general adjudicator. It takes three years.

When we are anticipating, we have to start hiring staff now to train them and we are in that process. Within my establishment, I have provision made for staff as trainees. We are watching this closely from month to month and when necessary, we hire more trainees; if I need permission from the board, I will obtain permission from the board to get more staff to train.

We also feel that, come 1979, we will be in a much better position to handle some of these things more expeditiously in that our computer enhancement will enable us to do some of the things we slip up on once in a while. We feel that the computer can be of more assistance to our adjudicators—not in making decisions, not that kind of thing, not in replacing people—but as an aid to the adjudicator to remind the adjudicator that certain things should be done.

For instance, in our plans for 1979, we want to have a report or notification go out to an injured employee if his cheque was due today and for some reason he can't be paid. We want a notice to go out to him automatically telling him why the cheque hasn't been sent today. This relieves the adjudicator of one of those things which depend upon the human element.

This is what we do now in many instances but at certain points, when the human element comes in, we want a computer assist to remind the adjudicator that a notice has gone to the man advising him. We don't think the computers will replace people but it will certainly assist us and relieve the adjudicator so the adjudicator can spend more time on other important things.

Mr. Mackenzie: Given some of the delays that we run into, it bothers me a little bit. I hope that sending the notice out to inform the applicant of the situation is not going to mean any further delays. If you have as long a lead period of time in training as you suggest—I don't know how your claims are rising but I know your supplementary awards—which, according to your figures, are 35 per cent of your claims—have gone from 200 to 1,500 in two years; more than that I guess. If that's the case, there had better be a real training programme going on in terms of employees of the board.

Mr. Starr: Continuous.

Mr. Mackenzie: I would wonder what kind of an increase there is in staff. It would be interesting to find out.

Mr. Starr: I made that in my statement. In the past two years we have increased our staff by 400.

Mr. Mackenzie: From what to what?

Mr. Lupusella: Mr. Chairman, On the same topic, can I ask a question? How many claims officers are presently employed by the board?

Hon. B. Stephenson: Claims officers?

Mr. Starr: Do you have those figures?

Mr. Kerr: Yes; we have a total of 147 claims adjudicators. I won't break them down unless you want them but I will tell you where they are. They are in the primary adjudicating section; the extended disability compensation section; there is a no lost time claims compensation section. We have a section at the hospital rehabilitation centre and then we have the fatal and industrial disease claims section.

Mr. Lupusella: A second question, if I may: How many are presently under a retraining programme to become claims adjudicators?

Mr. Kerr: In addition to the 147, we have 25 who are in training as claims adjudicator trainees.

Mr. Lupusella: Twenty-five?

Mr. Kerr: Twenty-five.

Mr. Lupusella: Is the Workmen's Compensation Board aware that some claims officers are handling 400 to 500 cases which are placed on their desks? Is the Workmen's Compensation Board aware of that? I have been talking to some claims officers and they have been telling me that 400-500 cases are placed on their tables in order that they are going to be—

Mr. Starr: Every day?

Mr. Lupusella: Yes, every day.

Mr. Starr: Would you repeat that to Mr. Kerr, please?

Mr. Lupusella: I asked whether or not the board is aware that at the present time some claims officers are handling almost 400 to 500 cases?

Mr. Kerr: The claims adjudicator, as we call him, could have a caseload of 400 but they wouldn't all be on his desk at one time. He has some of those claims for which he has authorized payment for a period of two or three months and it isn't necessary for him to see that claim. The usual caseload is between 200 and 300.

Mr. Lupusella: I have heard the number is higher. That's where the problem is. You are dealing with 147 who are presently employed plus 25 who are under retraining and eventually are going to become claims adjudicators. They have to deal with—I can take your number—200 or 300. I heard a different story—that they are handling 400 to 500 cases and that's where the problem is. My question to the Chairman of the Workmen's Compensation Board is are they aware of this problem because that's where the delay is taking place?

Mr. Starr: Certainly we are aware of this. As Mr. Kerr has pointed out, it does take approximately three years before a person is properly trained to be a first-class adjudicator. Don't forget also that we have had to siphon off from these areas to supplement our area staffs in our regional offices because of their experience. Another thing is promotional aspects; you can't stop them from leaving the claims area or they may just leave the job. There are many reasons we have to supplement them and we try to do this on a continuous basis. Everybody doesn't turn out to be a good claims adjudicator.

Mr. Kerr: I would also to add that we have 33,000 active claims by actual computer count. Using the figure of 147 claims adjudicators which I gave you, which does not include the trainees, if you divide 147 into 33,000, you have a caseload of about 225 per claims adjudicator.

Mr. Lupusella: Thank you very much.

Mr. Mackenzie: Did you have any figures on that 400—from what to what? The 400 increase.

Hon. B. Stephenson: The number of staff.

Mr. Starr: No, I haven't got a breakdown for that. I am sorry. We might be able to get it later for you.

Mr. Mackenzie: Okay. I would like to know, when you say you have increased it by 400, just from what to what it was.

Another problem that we are having with cases before the board is some kind of a communication problem between the regional offices and the head office. Several times in the last few weeks we have got information from the board here on cases but when we call the local office to make some arrangements, we find they haven't got the information. They know nothing about what we have been told by the board in Toronto. In some cases even we have had letters of which they haven't had copies although I think it would be legitimate for them to have letters in the local office. It's the distinct feeling of the people in my office that there is some kind of lack of communication between the Hamilton office, at least, and Toronto. I wonder if you have had any problems with this?

Mr. Starr: I haven't heard of any problems, serious problems. As I pointed out we have put in visual screens which are hooked up to our computers and their service has been increased by approximately 25 to 30 per cent because of this. They are able to get that information. There are other means, of course—there is the telephone if there are any complications whatsoever or they wish to have other than the visual screen giving information for the claimant.

Mr. Mackenzie: We seem to have the information ahead of them in many cases which is what we are really wondering about.

Mr. Starr: I don't understand why there would be any—

[9:30]

Mr. Kerr: Area offices come under my purview, if I may make a comment on that. If a claims counsellor in the Hamilton area office, as an example, Mr. Mackenzie, has an inquiry, he sends it through. Let's say it is an appeal of some nature and it's important but it's something that the claims cousellor in the area office is passing on for consideration. Unless the claims councillor asks to be advised of the decision and he in turn is going to advise the person who made the inquiry, we don't normally advise them of every decision that's made, because unless they needed to relay it to someone who has inquired, we're just creating more work for people.

Where the people in the area office ask for a decision and obviously they're going to pass it on to somebody else, then we deal through the area office. But it is quite conceivable that somebody in an area office could take some information and relay it to the claims adjudication branch and the decision is made and the injured person or somebody informed.

Mr. Mackenzie: The person has come to us in the meantime and we've given them some information. They go back to the local officer and he says, "What the hell goes on? I don't know anything about that."

Mr. Kerr: If there is continuing involvement of the claims councillor, he should be informed, but if it's something where he's just conveying information to the claims adjudication branch, and that's the function he's serving, then we don't clutter up the system by advising him. But if there's reason to advise him, we do.

Mr. Mackenzie: I suggest that you at least take a look into it.

Mr. Kerr: We certainly will.

Mr. Mackenzie: It may be one of the areas where there's a problem.

Mr. Kerr: We'll talk to Mr. Picken and see if there are any problems.

Mr. Starr: Mr. Mackenzie, I have the breakdown for you. The staff distribution in 1975 was as follows: Head office had 1,320 employees; the hospital and rehabilitation centre had 314; the safety associations had 310; and the area offices, 181; for a total of 2,125.

Mr. Godfrey: Excuse me, that includes typists, adjudicators—

Mr. Starr: Everybody.

Mr. Godfrey: —everybody.

Mr. Mackenzie: What period was that 400 increase over?

Mr. Starr: For the year 1975 as compared with the end of 1973.

Mr. Mackenzie: Okay. When you have an appeal hearing before an appeals examiner—I've only gone to two or three of these, but I had an experience recently that bothered me a bit. Is it the usual procedure for that appeals examiner to take a very tough, even antagonistic line with the person that's appealing?

Mr. Starr: I would ask Mr. Reed to explain that.

Mr. G. W. Reed: The answer is no, it is not the procedure.

Mr. MacKenzie: Okay then, if I can give you just a little bit of background, because I guess I've spent a few years trying to live down a rather quick temper and I came closer to ploughing somebody at that hearing than I've ever done before in years. I think that one of the things we're trying to achieve with the board is justice and I adways get a little bit worried about crossing all the t's and dotting all the i's in the regulations.

I realize that you've got to establish a claim, you've got procedures to go through and there have to be certain things done, certain conditions met to establish a claim, but I've had some experiences in claims. We don't take a claim lightly and if we find that somebody is trying to con us, then we're pretty blunt with them in my office. To the best of my knowledge, I've been fooled only once since I was elected—we took a case up for somebody and found out afterwards that there had been a previous situation and the board is now dealing with that particular case.

We have taken some up that we figured we might not win before the board but we thought their cases were just and we fought pretty hard in some of these cases. Quite frankly, two or three that I thought were just but I didn't expect to win, we won.

On the other hand, we had one just recently—the chap's name was Moffett, and he lived on Aberfoyle in Hamilton—where as far as I'm concerned justice wasn't done. I'm not sure that the case could be proved. In a nutshell, it's a chap who had been injured at Dofasco, who had fallen, was on compensation for a period of time—about a year and a half was involved—went back to work, had

continuing pain and worked three days, when he was taken home again.

To make a long story short, the second time he was off he wasn't on compensation and this was the basis of the appeal. While he was off, one of the specialists he was sent to suggested, as a possible means of checking into the situation, some exploratory surgery and it was explained to him that there was no guarantee of what was going to happen, but when they did the exploratory surgery, they found what they call—and I have no idea what it means—a McVeigh hernia and they repaired it. He had, I think, a five-week recovery period after that, and after better than a year of a hell of a lot of pain at home, he was back to work—and it's a very heavy job —and not a particle of discomfort since.

Personally, I have a suspicion that one of the things that bothered the board was the fact that while he was off the second period and while he was in recovery, he also had a vasectomy done, because it was mentioned and it semed to be part of the line of questioning. But the two doctors who were involved had both told him it was okay, it was something he and his family had planned for quite some time. He had an absolutely perfect work record, no lost time, no previous problems in being off work except for this one period of time.

At the hearing—and this is what drove me up the wall—the appeals examiner there wanted him to get up off the chair, which he did, to explain how, in standing up on this scaffold, using this heavy piece of equipment—he actually worked on elevators but they were repairing a door on an elevator—how he had fallen and exactly how he landed. The injury was a groin injury, because one of the boards had tipped over and he'd landed on the groin and fallen from there to the ground with severe groin and testicle damage.

The examiner wanted to know exactly how far out he'd stepped and he had the chap, who was about 33 years of age, really rattled within four or five minutes. The more he went at it, the nastier he got. How had he fallen, exactly? Was he still holding the drill? What position was he in? Some of the questions, quite frankly, were ridiculous and the chap's there and his wife's there and she is damned near in tears. I never saw a claimant treated quite that way and as I say, I held my temper with difficulty at that particular hearing.

When we got the decision back, that the claim was denied—and we're appealing it now—the thing that interested me was one little sentence in the report back from your board and that was that there was no question of the veracity of the witness. "No question of the veracity of the witness."

My whole point is; is this a general procedure that you browbeat and harass a person? Are you trying to trip him up into something or what, in one of those hearings?

Mr. G. W. Reed: No.

Mr. Mackenzie: See, the point I'm trying to make is, in that person's mind, in the mind of his wife who sat there—whether technically we had a probelm, and I understand hernia cases can be a problem, whether this was a result of the original accident or what not—the facts are that the pain disappeared immediately after the repair and there's been no problem since, but the fact is that as far as he's concerned, there was no justice in that hearing at all. And I don't think there was either. I'm not sure whether or not it should have been denied or not on the technicalities. All I'm saying is there sure as hell was no justice in terms of the worker and his condition and what he and his wife thought at that hearing.

Mr. G. W. Reed: May I first say that one of the key functions of an appeals examiner is to gather information, and let me say secondly that it is certainly not unusual for an appeals examiner, or indeed for an appeal board when a claimant appears before them, to ask the claimant to describe the accident. That's certainly not unusual. As I gather it, what you're saying is the manner in which this was done is the reason for your—

Mr. Mackenzie: I was expecting some tough questioning, quite frankly. I wasn't expecting what happened at that hearing.

Mr. G. W. Reed: No, no, but you're saying that it was the manner in which it was done and I would say to you, without knowing what went on, that certainly it is not the function of an appeals examiner in the normal course to antagonize or browbeat a claimant. I think I can safely say that is not the way appeals examiners generally act, if indeed he acted in this fashion. I think this is a matter that you should bring to my attention specifically.

Mr. Mackenzie: I guess I'm doing that, right now.

Mr. G. W. Reed: All right, and I will take it from there and be further in touch with you when I've had an opportunity to find out what happened and who was involved.

Mr. Mackenzie: Is there any attempt by the board or is it a conscious decision of the

board, in effect, to get tougher and deny more claims in recent months?

Hon. B. Stephenson: The one thing that might be said is that I think there are probably more employers contesting more claims in the last several months than there have been previously, but indeed the philosophy or the policy of the board—

Mr. Starr: They are challenging more claims than they have in the past.

Mr. Mackenzie: Is there any internal dispute over the position the board is taking?

Hon. B. Stephenson: Internal? Not to my knowledge.

Mr. Starr: Not to my knowledge either.

Mr. Mackenzie: Are you presently short of claims investigation officers?

Mr. Kerr: Yes, we are a few short. We had several leave to go to other jobs and we have been switching around some of the claims investigators from the central area to help out in other areas. We expect that for the next month to six weeks it will be a little tight on investigations, particularly, as the minister mentioned, since more claims are being challenged by employers and in more cases we find it necessary to conduct a local field investigation. We do not automatically conduct a field investigation when the employer asks for it unless it is the feeling of the adjudicator that from the information on file such inquiries should be carried out.

Mr. Mackenzie: The answer is yes, you are presently short.

Mr. Kerr: At the present time we are short.

Mr. Mackenzie: What about Hamilton?

Mr. Kerr: Hamilton is one of our problem areas at the present time, sir.

Mr. Mackenzie: Are you short of rehab officers?

Dr. McCracken: No, we are not.

Mr. Mackenzie: What about Hamilton?

Dr. McCracken: No.

Mr. Laughren: Are you serious?

Dr. McCracken: Yes.

Mr. Wildman: Does that include the north?

Dr. McCracken: Yes. Put it this way—and I presume it's what you are getting at when you ask am I serious—the present case load for rehabilitation counsellors in my opinion is still unacceptably high. This is not the way to solve the ultimate problem; i.e., we finished training this year a further 14 rehabilitation counsellors. We are up to a complement now of 86 rehabilitation counsellors, plus our specialist staff, plus the supervisors, plus the administrators in the area offices.

The way that we can bring the case load down is by more expertise being injected in to assist the rehabilitation counsellor to deal with the chronic cases, the long-term cases, which are taking up so much of his time and her time that they can't address themselves to the relatively short-term cases which have a high success rate.

So, yes, we have enough rehabilitation counsellors. No, they are still carrying too high a case load.

Mr. Mackenzie: How are rehab officers paid as against claims investigation officers? Who is paid the higher rate? Are claims investigators paid a higher rate of salary than rehab officers?

Dr. McCracken: I believe so, but I couldn't say for certain.

Mr. Mackenzie: If that is the case, and this is my understanding, would you consider that legitimate, claims investigation officers being paid more than a rehab officer?

Dr. McCracken: Several years ago we had an in-depth evaluation at the board so that we took a look at the responsibilities of all the various groupings in the board and tried to relate one with the other as it pertains to their level of expertise, level of responsibility and level of knowledge required. Having gone through that exercise, the final recommendation slotted the rehabilitation counsellors where they are and similarly slotted the claims investigators where they are.

Mr. Mackenzie: A comment on that, Madam Minister. A good rehab officer is worth his weight in gold as far as I am concerned—a good one—and I know that you have lost some recently to the claims job simply because of the higher pay.

Mr. Kerr: May I comment on that? Indeed, it is just the opposite. The flow is the other way, which is of concern to me in claims.

Mr. Mackenzie: In Hamilton?

Mr. Kerr: I am talking about claims adjudicators at head office where they are making these decisions, which we want done ex-

pertly, and every time somebody is promoted from the job of claims adjudicator to another job such as a rehabilitation counsellor—and I agree with you, sir, that's a very important job—but every time I lose somebody like that I lose something that really hurts me although it benefits the other part of the organization. We have a policy of promotion from within, so who would I be to stand up and say nobody can have a promotion, that's out? But every time somebody is promoted from claims adjudicator to another job in some other branch or division, we suffer.

Mr. Mackenzie: Did you say it's a promotion from claims to rehab?

[9:45]

Mr. Kerr: Yes, sir, it is. From claims adjudicator, not the claims investigator. I think they are on the same level. I would have to check that, but certainly to go from a claims adjudicator, not at our senior number one level, but the claims adjudicators II and III go into rehabilitation. They carry with them some experience that will help them in rehabilitation. So it is not quite as easy as it sounds, it's a difficult problem.

Mr. Godfrey: How long does it take for a broken heart to mend?

Mr. Mackenzie: I am just wondering if the minister is aware that we had some mention here tonight of light or suitable employment and really got no comments other than it is another thing that is very difficult to deal with. You get somebody classed at many plants as suitable for light employment and it's almost as bad as a death sentence in terms of compensation, because you either end up out or there is just no job there. In one case I can think of right now, at Firestone, a chap has gone back four times to light work, the longest period was about three weeks, and four times he was back lifting heavy tires because it was the only thing that was there and it was the only way he kept his mortgage payments up.

I think we've got to take a look at this. I appreciate the fact that you say you've increased the special allowance or the compensation, but getting a ruling that a person is suitable for light employment scares the hell out of most people who have any experience now with compensation cases. I am wondering, Madam Minister, if you have given any further thought to a broadening of the board's activities in the field of industrial health and safety?

Hon. B. Stephenson: Could you define what you mean by broadening the board's activities?

Mr. Mackenzie: Into some kind of a monitoring process, such as in the case that we have been hassling over in Hamilton recently, the Hamco case, checking out, doing some of the investigative work or follow-up on the cases that are coming to light?

Hon. B. Stephenson: We have looked at this problem and I think it is the board's position that under the Act they don't have that capability. I would perceive that as one of the roles of the occupational health and safety branch of the Ministry of Labour, and hopefully that is the area in which some new initiatives will be developed within that branch once it is established and functioning.

Mr. Mackenzie: Can I suggest also to you, Madam Minister—

Hon. B. Stephenson: May I say that in so doing we will most certainly be making use of the information which the board has as a result of the claims which have been established there and the index of suspicion regarding certain plants will of course be raised as a result of the board's experience.

Mr. Mackenzie: The point I would like to make is that when you talk about the lead time in getting medical schools to recognize the need to train doctors in the field of industrial health and safety—

Hon. B. Stephenson: Do you know how long that lead time is for medical schools?

Mr. Mackenzie: I heard you earlier.

Hon. B. Stephenson: Ten years.

Mr. Godfrey: Do they have to be doctors?

Hon. B. Stephenson: No, I am not saying they have to be doctors. We have, as you know, established some courses in conjunction with certain unions at Humber College which are functioning as very good pilot projects which we intend to expand into other community colleges, because we think that is the level at which a good deal of this can be done.

Mr. Warner: You can use some of those nurses you didn't have jobs for.

Hon. B. Stephenson: Yes. I'm still—

Mr. Mackenzie: I think that had we taken a closer look at some of the indicators and done some monitoring of what was develop-

ing in the whole field of industrial health we might have woken up a little sooner than a year or two ago, as I heard you mention, that they really began to start training more doctors in this field.

Hon. B. Stephenson: I would be excessively optimistic, Mr. Mackenzie, if I thought that that might have happened, because I think that, along with Mr. Godfrey, I have been making loud noises about the dearth of gerontologists in Canada for somewhere between five and 10 years, and it hasn't had that much effect on medical schools yet, I can tell you.

Mr. Mackenzie: I have a reason for that, Madam Minister. I have been doing some work in this and I have a specific case I want to go through with you as well. I picked up a little publication that goes back to October, 1961, and I guess maybe I should have remembered. I go back that far, but I'd forgotten; memory sometimes fails me these days. But simply, I think three or four of the paragraphs in it are worth putting into this discussion. It says:

"In this regard the McAndrew commission follows in the path of an earlier royal commission—that of Mr. Justice Roach on the Ontario Workmen's Compensation Act. The Roach report, issued in 1950, stressed the importance of joint participation by management and labour in accident prevention and pointed out that as between the two groups the workmen are much more vitally interested than the employers.

"If a workman is maimed, the employer has to pay the compensation, but no monetary allowance can ever adequately compensate a workman who has to go through the balance of his life minus an eye or a hand. The Roach report strongly recommended that joint safety committees be required in every operation with 20 or more workers"—I found that interesting—"along the lines of legislation that has been enforced in BC for several years. Similar legislation . . ." and so on.

Among the major recommendations of the McAndrew commission are these. I won't read them all, but two or three of them I thought were interesting: "Special legislation to cover logging where the accident rate is 50 per cent higher than any other industry and sawmills; special regulations for flour mills where serious danger of dust explosion and fires exists; special regulations to require immediate installation of dust control equipment by December 31, 1962; grain elevators with inspection at least every three months; amendments to The Factory, Shop and Office Building Act, to set maximum limits determined according to medical principles and the weight lifted by women workers." I have a case of a woman worker and lifting right now. It's in the proces of going before the board.

"Labour department safety inspectors should be required to hear employee complaints and ask management and labour representatives to accompany them on their inspection tours. Accident prevention associations should be placed under the direction and supervision of the Workmen's Compensation Board. Legislation should require the establishment of a joint safety committee in every plant or operation with 20 workers or more"—50 again in the McAndrew Commission report, 1961-62. "These committees should be empowered to inspect conditions for hazards, to investigate and report on complaints and accidents, and carry on an educational activity."

Mr. Wildman: Sounds familiar.

Mr. Mackenzie: It goes on further here, just to wind it up, by saying: "Without minimizing the value and importance of the commission's recommendations it is obvious that it did not cover all aspects of the problem of safety and health on the job. Industrial diseases resulting from materials or processes in industry remain largely untouched. The role of incentive systems in driving workers to take dangerous short-cuts has been underlined by many unions. A union brief some years ago told the Ontario Minister of Mines that 'experienced miners contend it is almost impossible to earn bonus if every safety practice is observed, and definitely impossible for the foreman to meet production quotas if every safety rule is rigidly enforced.' The same thing is true in some other areas of railway operations as well as in other fields."

Get this, Madam Minister: "The new and growing hazard of radioactive ionization in industry has begun to receive attention and action from Workmen's Compensation Boards in some provinces, but much more needs to be done."

That is October 1961, quoting from a publication. I just really wonder if people have some reservations as to why we sometimes feel a little bit bitter or wonder about the reliability of various ministry programmes. I wanted to use that to go over this case, which is the case, as you know, that opened up the current situation at Hamco. I'm not criticizing, I'd just like a few answers.

The original request to John Lennie of local 1005 came on April 21, 1975, and it's a

letter: "Following are questions you required of my late husband Mr. Harry Hayashi, for my daughter. There are a couple of things I do not remember but I authorize you to check wherever necessary in order to get the information required." It goes on to list what information she could give, including where he had worked and how many years.

On April 24, 1975, a letter was sent into the board: "Mr. Hayashi died of lung cancer, December 2, 1966. Mr. Hayashi was an employee of the coke oven department from 1952 until December 2, 1966. His family doctor was R. T. Miya, Hamilton"—phone number—"his specialist was"—so and so. "On behalf of Mr. Hayashi and family, local 1005, USWA, claim there is a relationship between the lung cancer that caused his death and his exposure to coke oven emissions from 1952 until the time of his death. Will you please inform Mrs. Hayashi and family of their rights under the Act."

I'm not sure if there is any correspondence in between; I haven't been able to find any. But there was a letter on April 15, 1976, a year later, and I want to read a couple of paragraphs out of it. This is from the board: "This claim has been referred to the review branch for consideration of entitlement. As you may know in order to qualify for compensation benefits it must be shown that there was personal injury by accident arising out of and in the course of the employment. The definition of accident also includes industrial disease which means any disease mentioned in schedule 3 of The Workmen's Compensation Act and other disease peculiar to or characteristic of a particular industrial process, trade or occupation."

I think the next two paragraphs are important. They lead me to question the investigative procedures you go through.

"To ensure that full consideration was given to this claim we conducted an on-the-spot field inquiry and also obtained the necessary medical and hospital records. The information presently before us shows that the late Mr. Hayashi worked in the coke ovens of Stelco from July 25, 1961, until November 4, 1966. The cause of death is given as an undifferentiated bronchogenic carcinoma of the left lung.

"The adjudication branch and the review branch of the claims services division undertook a complete review in addition to the review in detail by the medical branch. It is the medical opinion that Mr. Hayashi's exposure at the coke ovens is not sufficient to warrant consideration for carcinoma of the lung to be attributable to his employment in the coke ovens.

"Consequently, we regret that we are unable to grant entitlement to death benefits under this claim." It goes on to say that it is open to appeal.

That's a year after the original, April 15, 1976. On April 27, 1976, on behalf of Mr. Hayashi, John Lennie appealed the decision and stated that from 1952 to 1961—remember this was in the original letter to the board and they came back saying he was only there from 1961 to 1966—"He was an employee of the Hamilton Byproducts Coke Ovens. This company was bought out by the Steel Company of Canada. Mr. Hayashi was transferred from the Hamilton Byproducts Coke Ovens to Stelco's coke ovens sometime in July, 1961, and worked there until his death in December, 1966. Therefore he was exposed to coke oven emissions for a period of 16 years."

A week later the board acknowledged that letter. A month later, on May 17, it came back to Mr. Lennie and said "The late Mr. Hayashi was employed by the Hamilton Byproducts Coke Ovens. The company is no longer in business. Have you any information as to where the employment records are for this firm? It is essential that we establish employment history between 1952 and 1961."

Long before then the board should have been checking more into that as far as I'm concerned. That is when we went to work—or when Mr. Lennie and Dave Tims went to work—on the local and chased down three fellow workers. They went out and got affidavits from them as to the period of time, where and when they worked alongside this gentleman in those particular coke ovens. Those were submitted to the board on May 31.

It takes an awful long time for the board to get letters out. It's usually only a couple of weeks; at least in this, once we were on to this case, they got the replies back and did the work on it. It did take a little digging, Madam Minister.

That was May 31. On September 9, the board granted the award, a pension and a payment made.

I want to read the first paragraph in particular of this particular judgement. "In our letter of April 15, 1976, we advised you that this claim was denied. Subsequently an appeal was made on your behalf from Mr. Lennie of the United Steelworkers. We therefore made further inquiry. Evidence obtained from this inquiry was reviewed and a decision reversed with payments being issued to you."

I suspect that the only evidence was the information dug up by Mr. Lennie. It sure as blazes wasn't from any investigation the board did that we've been able to find.

Mr. Laughren: The board took the credit in the letter.

Mr. Mackenzie: When I ask you what steps were taken to follow through on this, I'm serious. We're now digging into a seniority list in that particular plant.

The minister may be interested to know—I'm not sure where we'll end up—that we had four additional families call us today. These aren't verified because we haven't got medical records. One of them is the family of a previous superintendent of that plant. They are also claiming that their husbands or fathers had died of lung cancer and had worked in that particular plant. The letters we've sent to the board, whether they are officially claims or not, were at 13; that gives us another 16 or 17 which we're currently working on, which is damn close to 30 in that particular plant.

My point is when is the board going to take some responsibility in a case like this? Have you as yet sent anybody from the board even to talk to John Lennie over these particular cases since they have been raised?

Mr. Starr: Dr. McCracken, can you—

Dr. McCracken: Mr. Kerr wants to say something here first.

[10:00]

Mr. Kerr: In regard to the last question, yes, our team co-ordinator, Mr. Larry Carr, who is handling these claims, was in touch with John Lennie. Mr. Lennie said he had sent new claims to us on December 6, 8 and 13. New claims had been set up for these particular cases that he had sent to us and he said there were further coming. He had the names of at least five more and said he would be sending them along to us within the next few days. These cases will be inquired into just as quickly as we can.

Mr. Mackenzie: What I'm simply saying is, is it asking too much of the board to have a couple of your people go down to that office and check over the seniority list we've got, the statements we've taken from people, what they've done to date, the names? Is that not at least a responsibility of the board in a case like this?

Mr. Kerr: No, it's not asking too much, sir. We're working with Mr. Lennie, and Mr. Lennie said he would send us the material. We have the highest regard for Mr. Lennie. He has suggested we wait till we get the material from him. If he would like us to go to his office, we're certainly available to do that, sir. We'll do whatever is asked of us.

Mr. Mackenzie: He informs me he'll do anything he can to co-operate with you. I'm just wondering if you had suggested that you go down and have a talk with him or not.

Mr. Kerr: No, he suggested he would send the things to us so we could set up an official claim, and then carry on from there. But Mr. Lennie has a good relationship with the gentleman—

Mr. Mackenzie: There's no question about the work he's done.

Mr. Kerr: Yes. Mr. Lennie is doing a good job, yes, and we have the highest regard for Mr. Lennie, there's no doubt about that.

Mr. Mackenzie: I just want to wind up. There are reservations in a lot of our minds. Whether some of us can put it very effectively or not, I don't think it's any particular hyperbole or anything else. We have a real concern with what's going on at the board, and some of the shortcomings that appear to us to be there. I think there are problems with the board, very frankly, and I think there is a necessity for one hell of a lot more expansion out into what's happening and going on in some of these particular cases.

Mr. R. S. Smith: I just have a few questions I'd like to ask of the minister and perhaps of the Chairman of the board. I won't go through the whole process of what seem to be the problems at the board in so far as dealing with new claims and the reopening of old claims are concerned, but the time element is certainly a source of worry to many of us. I think everyone here today who has spoken has expressed this, either at one point or another, in his questioning from time to time.

We went over this same thing last year and the year before and there really doesn't seem to be any difference or any change in so far as dealing with claims as they come in is concerned. I think the board Chairman will remember that last year I went over this quite thoroughly with him, and we arrived at the fact that there were problems within the administration of the board in

so far as dealing with new claims and the reopening of old claims were concerned. I really don't find there's any difference now from what there was a year ago. I can't find a difference at all.

My office here, my office at home and myself are now doing about three times as many workmen's compensation cases as we did three years ago. I don't know if your work load has tripled in that three-year period—the number of cases you take—maybe it has. Of course, I suppose that would reflect in what would happen to each member. I'm not too worried about what the members do or the fact they have to look after these things because that's what we're elected for. But it does bother me that the claimants are being treated in the way they are, and that it takes so long for them to get a decision from the board.

I'm not one who writes to the Chairman of the board every second day. I feel I should be able to get satisfaction out of the people who work at the board, and in many cases I don't and in many cases I wait two weeks to get even a reply to my phone call. I've been here 11 or 12 years, I can remember when I used to phone and the next day I would get a reply; I would get a full reply and I could discuss it with the person. Many times, within a day or two, a change could be made.

That's not the way it is today. It just doesn't work that way. I think anybody who's been here any length of time knows that; when you phone there you're dealing almost with a eunuch and that you're going to get back a sort of set reply within about 10 or 12 days, or maybe a little less. Of late, the last three weeks or so, I suppose with these things coming up, it's come a little quicker, but generally speaking, it's the most frustrating place to deal with in all of government. I'm sure that the other members feel exactly the same way as I do.

I just bring to your attention one recent case and it's the only case I've written to you about this year. But I'll tell you, I got a reply from you that is excellent as a political reply. Since we're all politicians here we can recognize political replies, and that is an excellent political letter. It's not too bad we're not dealing on a political basis, but that's what it is.

This gentleman brought this matter to the board's attention on June 25. To this date he still does not have a hearing, but a hearing has been set for December 20 before the appeals examiner. So it has taken him six months to get to the appeals examiner. Obviously, we're going to have to wait from then on for their reply, or his reply, or the decision that is made based on what the appeals examiner takes. Then obviously we're going to have to take it to the board and that will take another three months. We'll wait another six weeks for a reply or two months, from the board, so we'll be into a full year where this case has waited for adjudication of his application for benefits.

If this was a very complicated and difficult case, and if you wanted to put it in to a difficult bracket, I would say well, maybe three or four months is okay; but a year, in any case, is terrible as far as I'm concerned, particularly when it deals with a straightforward type of case like this, even if you want to put it in the difficult bracket, but this is not a difficult case.

The fact of the matter is, the doctor involved has written to the board, he's phoned the board and he's written them again to indicate to them that in his opinion, and the opinion of the specialist who saw this gentleman at the same time and who performed an operation on him, that his present condition is as a result of his injury in 1974. No other medical evidence has been brought forward, except that of the specialist and the general practitioner. This was not good enough for the board. It usually is good enough for the board if in fact it's on the other side of the fence, but if the general practitioner and the specialist say, and I quote from the letter: "Dr. Yadav and I both feel that this man's surgery is the result of his injury dating back to July of 1974."

I think that's pretty clear, concise, medical evidence from this general practitioner and from the orthopaedic surgeon who did the surgery. But this is ignored completely.

Mr. Laughren: It's called the benefit of the doubt.

Mr. R. S. Smith: The benefit of the doubt is against the man to start with; even with medical evidence it's against the man. And there's no other medical evidence involved here at all. He started his case on June 25, I became involved in September. I talked to the general practitioner—in fact, he's the one who called me when he didn't get a reply to his letter, and he found that his phone call was in vain. He's one of the few of your profession, Madam Minister, who is very co-operative in filling out forms for the board. Many of them are hopeless, but this fellow is very co-operative.

Hon. B. Stephenson: I made that remark last year about Mr. Warner, so Mr. Smith is simply repeating it.

Mr. R. S. Smith: I think I said it before you did.

Hon. B. Stephenson: You may have said it before I was here, yes.

Mr. R. S. Smith: But we're not playing one-upmanship, we're playing with this guy's life and the fact that he's been on welfare for a period of four and a half months now at $380 per month. He has a wife and two children and he's paying $220 a month rent, which leaves him $160 a month to live on with a wife and two kids. His children did not go to school for a period of time this fall because they couldn't afford to buy overshoes or boots to send them to school in the snow. That is just how serious this matter is.

I have done everything I can with the board. I have written to the Chairman; the medical evidence has been provided to them; they have come up there and they have done their investigation—the results of which I have no idea, nor does the complainant have any idea, nor does the doctor, except that the doctor has told me that if they send one more person into his office he is going to literally throw him out on his head because he is sick and tired of this type of treatment from the board. If the board does not want to believe him, and does not want to believe the specialist, let them get their own, or refer this person to someone else.

But I am telling you that this is not an isolated case I bring forward. These cases go on all the time, and I would like some explanation, and not this political reply that I got from Mr. Starr.

Mr. Laughren: Do you want to read that political reply to us?

Mr. R. S. Smith: I have outlined the case to you, and I wrote to Mr. Starr indicating the problem, and he wrote me back. I wrote him on November 18; he replied to me November 24, saying he would look into the matter. On December 2, I got a reply that said:

"Further to my letter of November 24, I have now had the opportunity to review Mr. 'So-and-So's' claim and I am pleased to communicate with you. I have spoken with the counselling specialist and he has assured me that following your conversations he discussed the case with the appeals branch." I am leaving out the names here. "Their decision is that an appeals examiner inquiry is necessary to ensure that all pertinent details have been secured and as you know this has been scheduled for December 20."

I knew that very well. That is what I was writing about, because I didn't want the man living on $160 a month with his wife and two kids for another two months.

Mr. Wildman: Christmas is coming.

Mr. R. S. Smith: Yes. That doesn't matter:

"Your letter of November 18 pertaining to your concern of a delayed decision following the appeals examiner inquiry has been brought to the attention of the appeals branch. Please be assured that a decision will be reached at the soonest opportunity possible and you will receive appropriate notification. Thank you very much."

The person who is waiting to get the hearing and the decision in the meantime is living not only off welfare, because it is not providing him nearly enough to live on, but he is living on the goodwill of other people, whereas he should be treated in a much better fashion than that by this board.

Mr. Starr: What was the date of that letter to you?

Mr. R. S. Smith: December 2.

Mr. Starr: And there hasn't been a decision yet?

Mr. R. S. Smith: No. There hasn't even been a hearing yet.

Hon. B. Stephenson: The hearing is on the 20th.

Mr. R. S. Smith: And the evidence that is there is obvious evidence. If it was on the other side, you would accept it against the person; there is no question about that. So it is almost double jeopardy to deal with the board in this regard, because it is a no-win situation. If you have good medical evidence, they question it. If you don't have good medical evidence, they use it against you. So what is the point?

Mr. Starr: What is the claim number?

Mr. R. S. Smith: C99-3136. And the other one—there are two claims involved, they are old claims from 1974—is C100-81376.

I am almost positive that the attachment of the present claim of the workman is to the first number.

Mr. Laughren: In this case it will get resolved.

Mr. Starr: It is not a question of resolving anything.

Mr. Laughren: It is so. It will be resolved because Mr. Smith raised it in this committee hearing, that is why it will get resolved, and for no other reason.

Mr. Chairman: Order please.

Mr. Starr: It is a question of setting a date for a hearing.

Mr. Laughren: Oh baloney on that business of it is a question of setting a date.

Mr. Starr: Well it is. Mr. Smith can vouch for that.

Mr. Laughren: You have the medical information, there is no need for a hearing.

Mr. R. S. Smith: You have the medical evidence.

Mr. Laughren: Every year it is the same thing.

Mr. R. S. Smith: The medical evidence is there. He may have need for appeal if it was the other way around, but the medical evidence is there to show. And both doctors say they connect it with the previous injury. And you have no other medical proof to disprove that.

[10:15]

Mr. Laughren: Some of us have been here before.

Mr. R. S. Smith: This happens all the time and this is what bothers me. What is good for one side is not good for the other, and you play both sides of the street. You can't do that with people. In this case that is exactly what is being done.

I have spoken with the doctor involved on a number of occasions and he is so irate that he is going to become one of those who says, "To hell with filling out these forms. Why fill them out? They don't pay attention to them anyway." That is what turns people off. But that is not really the particular problem.

Mr. Chairman: Have you concluded, Mr. Smith?

Mr. Lupusella: Better have a hearing about the cases—

Mr. Chairman: Order, please.

Mr. Starr: Why don't you get Mr. Lupusella to represent this fellow?

Mr. Laughren: What kind of cheap shot is that?

Mr. Lupusella: It is not my duty to come down there.

Mr. Starr: All I thought was he would like to represent him.

Mr. Lupusella: It is not my job.

Mr. Chairman: Order, please. Mr. Smith has the floor.

Mr. R. S. Smith: It doesn't really worry me who represents the fellow as long as he gets justice. He is not getting justice and that is what I think is most significant, not whether Mr. Lupusella or I represent him.

Mr. Lupusella: I would like not to see those problems in the first place, in order that we don't—

Mr. R. S. Smith: That's right, but the point I make by bringing this one to your attention—and this is only one; I am telling you I have a carton full of them down here and I have the same in my office at North Bay. I deal with your people on a consistent basis, on a daily basis, and we never seem to get ahead. In fact, we are farther behind every month.

The point is that many people like this fellow would likely have to wait one full year before getting a decision on what is a simple, rather straightforward case. Even if it is a difficult case, the fact that he would have to wait a year is almost unbelievable. If he has to wait over three months it is an injustice and if his family has to live on what they are living on it is criminal.

I am telling you there is a responsibility with this government and with this board to see that this does not happen to people. This is only one case. There are many like that. They phone that North Bay office and they are told, "We don't know what has happened. We haven't heard back," Or, "The file is lost."

They phone Toronto; they never get phoned back. This goes on day in and day out. They come to me with dates when they phoned; they have them listed. They say, "We don't even get calls back." This goes on all the time.

I don't blame the North Bay office because they get on the Telex or the telephone and try to get information out of here. They don't get it out of here. The problem is here in your central location. That leads me perhaps to two or three significant questions. The 400 new people you have taken on staff, where have you put them?

Mr. Starr: They are working in various areas. I gave a breakdown of where they are.

Mr. R. S. Smith: No, where the totals are.

Mr. Starr: The biggest increase has been in area offices.

Mr. R. S. Smith: There are only 181 in those offices now. You hired 400 new people and there is a total of only 181 in them. The biggest increase couldn't have been there.

Mr. Laughren: They can't make any decisions.

Mr. Starr: We increased that, I think, from 50 to 181. That is substantial when you consider there are eight area offices. It is a substantial increase.

Mr. R. S. Smith: Is there any plan to remove the process of decision-making from that great tower at 2 Bloor Street, out to the eight regional offices so that people can go in and talk to people or can get answers from people who are making the decisions; instead of them being behind some kind of a façade and the file is either lost or is in transit between floors 11 and 12? I have heard them all.

Mr. Laughren: I think they should move the head office to Burwash.

Mr. R. S. Smith: People should be given the right to go to a place where they can get a decision. Are there any plans to—

Hon. B. Stephenson: The claims investigators do investigate at the regional level and some of the examinations are carried out at the regional level. They are then transmitted to the central level for decision making. That is the programme at the moment.

Mr. R. S. Smith: There are no claims investigators in northern Ontario.

Mr. Starr: Mr. Smith, I wonder if Mr. Kerr—

Mr. R. S. Smith: Do you know where it is? It's up there—

Hon. B. Stephenson: I know very well where northern Ontario is, Mr. Smith. I have spent a great deal of time in northern Ontario, as a matter of fact.

Mr. R. S. Smith: How long ago have you been there?

Hon. B. Stephenson: How long have I been there? For varying periods of time.

Mr. Lupusella: Just travelling around?

Hon. B. Stephenson: No, not just travelling around.

Mr. Chairman: Mr. Smith has the floor.

Mr. R. S. Smith: How many claims investigators are there in northern Ontario?

Mr. Laughren: Do you know how many claims investigators there are in northern Ontario?

Hon. B. Stephenson: I have only been underground once.

Mr. Chairman: The vote is taking place in three minutes' time so that doesn't give us very much time. Is the committee willing to meet at 10 o'clock in the morning?

I think we may as well adjourn now until 10 o'clock in the morning.

Mr. R. S. Smith: Perhaps I could get some answers to this in the next three minutes. Have you got an answer—

Mr. Kerr: Mr. Smith asked how many claims investigators we have in the north. We have two working out of Sudbury at the present time and we have one working out of North Bay at the present time.

Mr. Wildman: What about Thunder Bay in northwestern Ontario.

Mr. Kerr: Thunder Bay? We have one claims investigator working out of Thunder Bay. We have other staff.

Mr. Wildman: Does he cover to the Manitoba border?

Mr. Kerr: That's right. We have other staff there but we just have one claims investigator there.

Mr. R. S. Smith: Why was the claims investigator sent from Toronto to investigate this claim if there already is one in North Bay?

Mr. Kerr: I don't know. All I can suggest is either the regular claims investigator was sick and a relief man was sent in or he had a heavy case load and someone from Toronto was sent up to give a hand. We have a total of 31 claims investigators throughout Ontario working out of the eight area offices and the head office.

Mr. Wildman: Do you have any in the Sault or Timmins?

Mr. Kerr: No, Timmins is covered by North Bay and Sault Ste. Marie is covered from Sudbury.

Mr. Chairman: For the information of the committee, Mr. Smith informs me he hasn't concluded his remarks.

The committee adjourned at 10.23 p.m.

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Kerr, W. R., Executive Director, Claims
MacDonald, A. G., Vice-Chairman, Administration
McCracken, Dr. W. J., Executive Director, Rehabilitation Services
Reed, G. W., Vice-Chairman, Appeals
Starr, M., Chairman

No. 140



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Third Session of the 30th Parliament

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Speaker: Honourable Russell Daniel Rowe
Clerk: Roderick Lewis, QC

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LEGISLATURE OF ONTARIO

The House met at 2 p.m.

Prayers.

Mr. Speaker: Statements by the ministry.

TATOA REPORT

Hon. Mr. Snow: This afternoon at the appropriate time, I would like to table the Toronto Area Transit Operating Authority's annual report for the year ending March 31, 1976. It would be well, I believe, to draw the House's attention to the accounting method used in this report.

The financial statements are prepared in accordance with the generally accepted commercial accounting principles as recommended by the Committee on Government Productivity. It records revenues and related expenditures including an appropriate share of capital costs—accountants term it depreciation—in the accounting period when the services were actually delivered. These methods are explained in the words of the experts in the notes to the financial statement.

It is my understanding that these accounting principles best reflect the true cost of providing the transit service, and provide an appropriate basis to measure the management activities and stewardship of the authority. It can, however, lead to some confusion in relating authority statements to public accounts which are on a cash basis, where revenue is recognized when it is received and an expenditure when a payment is made. Such confusion can stem from the fact that the authority and public accounts may report the same transaction in different fiscal years.

Having said that, I would like to comment briefly on some of the GO Transit services provided by the authority. It is interesting to note that GO Transit passenger ridership continues a very strong upward trend in 1976. Rail ridership on GO during the first 10 months of calendar year 1976 is running 14.3 per cent ahead of the previous year. GO bus patronage is up 21.9 per cent, partly due to the inauguration of some new services. Public acceptance of transit access to the Canadian National Exhibition also showed an encouraging growth. GO passenger carriage in 1976 was up 22 per cent over 1975. That represents almost nine per cent of the total CNE attendance.

On November 28, 1976, GO Transit assumed operation on the North Yonge bus service between the TTC Finch subway station and Richmond Hill. This new GO bus service is expected to carry at least 1.5 million passengers during its first year in operation. I have just approved a recommendation from the authority for a one-year experimental GO bus service between the Streetsville/Milton area via Highway 401 to the York Mills subway station. This decision was based on a survey showing that a significant number of GO Transit patrons using existing GO services into downtown Toronto would find the route to York Mills more convenient. Studies also show a growing number of suburban residents work in the northwest and north-central areas of Toronto. Thus the authority considers there is a significant market existing in these areas for GO service.

In tabling this annual report, I would like to commend the Toronto Area Transit Operating Authority for its ability not only to meet, but keep pace with the increasing demand for transit services in those areas served by GO Transit.

ONTARIO REGIONAL PRIORITY BUDGET

Hon. Mr. McKeough: Today I would like to table the government's preliminary plan for the Ontario regional priority budget in 1977-78. As the hon. members are aware, this budget is an essential instrument of our provincial economic development policy. The appendix to this statement includes details of our proposal. I would like to take a few minutes to outline the nature of this budget and to outline the priorities which we have identified for the next fiscal year.

One of the major objectives of this government is to ensure that all regions of Ontario fully participate in our economic development and share in the benefits of our economic well-being. To forward this objective, the government over the past several

years has initiated and expanded a regional priority budget. These expenditures are over and above the government's normal programme outlays and are designed to ensure that capital investments which will significantly contribute to a region's economic potential are quickly brought to the fore. To date, some 77 per cent of the budget has been allocated to the provision of community, regional and industrial hard services.

While this budget is included in the estimates of my ministry, almost all of it is administered through local governments or operating ministries. The ministries most involved are Transportation and Communications, Environment and Natural Resources. Members are also aware that a number of projects are cost-shared by the province and federal government on a 50-50 basis.

I would like to report to the members that recently the Provincial Secretary for Resources Development (Mr. Irvine) and I met with the Minister for Regional Economic Expansion, Hon. Marcel Lessard. At that meeting we outlined Ontario's proposed plan for next year. The information I am tabling today includes projects where we are requesting DREE funding as well as those to be financed exclusively by the province.

We are proposing a total budget in 1977-78 of $58 million, some of which will be new co-operative efforts with the federal government. I estimate new initiatives will involve expenditures of about $14 million in 1977-78. The balance of next year's budget will be allocated to projects which are now underway. In total, it is estimated that the new initiatives will cost in the range of $50 million over a period of three years. The budget I am proposing represents an increase of $20 million over the amount allocated for the current fiscal year.

This enrichment supports our objective of actively initiating an economic development policy designed to increase jobs and incomes throughout the province. A central part of this approach is providing a dynamic environment for private sector expansion. Because we have successfully implemented a hard-nosed programme of fiscal restraint, we substantially augmented our capacity to finance these investments in the economic future of Ontario.

Turning to the highlights of our 1977-78 proposals, we are proposing to initiate some 17 new projects. These projects will reflect a number of economic priority initiatives. In this regard, I might note that up to and including the current fiscal year, we have invested some $70 million in the northwest, or 75 per cent of total spending under the regional priority budget to date. A major thrust of this investment was directed to improve substantially the capacity of the city of Thunder Bay to accommodate expansion in keeping with our commitment to ensure its role as the regional centre for northwestern Ontario. In addition, a number of expenditures have been undertaken to improve community and resource development in various other centres in northwestern Ontario. A significant part of the budget in 1977-78 will continue to be devoted to projects now under way in the northwest, including provision of community infrastructure necessary to support the over 500 new woodlands jobs resulting from the expansion of the pulp mill at Terrace Bay.

In the next fiscal year a major initiative will be to increase our regional priority investments in northeastern Ontario. Nine of the proposed new initiatives will improve community services in the northeast. I estimate this will involve a total investment of $30 million, of which $6.8 million will be spent next year. This region will also receive additional benefits from other projects on the new initiatives list. An important component of this government's economic development policy is to encourage an eastern thrust in the growth of jobs and incomes. This will help to more fully achieve the economic potential of the area and reduce growth pressures in and around the Metro Toronto area. Accordingly, the focus of five of the new programme initiatives will be for community and industrial development assistance to meet these objectives.

Earlier, I indicated some of the new initiatives we are proposing will be co-operative efforts with the federal government. I am confident that, as in the past, both levels of government will work quickly towards positive agreements so we can continue to invest in the future of all areas of our province.

CITIZEN COMPLAINTS AGAINST POLICE

Hon. Mr. MacBeth: On October 26, I made a statement to this House regarding my ministry's plan for a new system dealing with citizen complaints against police. I indicated at that time that we were commencing the second phase of consultation and that I intended to complete this consultation and introduce legislation before the end of this session.

As we proceeded with our discussions, it has become increasingly clear that the questions of citizens' complaints and police discipline are inextricably intertwined. This has meant it was necessary not only to develop somewhat more involved procedures, but at the same time to engage in wider consultation with those affected. We have, therefore, over the past week had numerous meetings with interest groups. These discussions have confirmed that police discipline involves various complex and sensitive issues and they have also shown that viewpoints are often at variance.

All of this has led me to the conclusion that it would be prudent to continue to attempt to obtain a better consensus before proceeding with the required legislation. Our proposed legislation will have significant impact upon both the police and the public for a long time to come, and I think it important that we take the time now to achieve a proper balance. This delay will, I trust, have the further benefit of allowing the proposed legislation to receive full and careful consideration by the administration of justice committee when it is introduced in the spring. The members will appreciate that this committee has been fully occupied this fall session.

Again I do regret the delay but I feel strongly that we are well advised to resolve as many problems as possible before introducing legislation. At the same time, I want to emphasize that our commitment to establishing a new system dealing with citizens' complaints against police is as strong as ever. We are confident that the new system will benefit greatly from the consultations now being undertaken.

[2:15]

PICKERING NUCLEAR GENERATING STATION

Hon. Mr. Timbrell: Mr. Speaker, I would like to reply to a question put to me by the member for Hamilton West on December 6. I have checked with the staff of my ministry and of Ontario Hydro and have satisfied myself that the contents of the Globe and Mail article entitled, "Candu, the Arithmetic of Risk" which appeared on December 6 are misleading.

There is a document known as the Pickering safety report. The document was prepared at the request of the federal Atomic Energy Control Board as a necessary step in obtaining licences to build and to operate the plant. The Pickering safety report contains information on the design of the Pickering generating station. This information is the property of Atomic Energy of Canada Limited and Ontario Hydro and is of considerable commercial value.

On this basis alone, neither Atomic Energy of Canada Limited nor Ontario Hydro would wish this report to be given unrestricted distribution. Ontario Hydro also informs me that, in its present form, the Pickering safety report contains information on station layout, et cetera, that could be useful to anyone wishing to cause malicious damage to the station.

Furthermore, the report as written is highly technical. It is assumed that the recipient, in this case the staff of the Atomic Energy Control Board, is familiar with the technical aspects of the design of a nuclear station. The average person reading the report would find it difficult, if not impossible, to understand.

For these three reasons then—the proprietory nature of the information, station security and the technical nature of the contents—safety reports are not generally available to members of the public.

However, as I mentioned in my reply to the hon. member for Hamilton West on December 9 and yesterday to the member for Scarborough West, a copy of the Pickering safety report was presented to the royal commission on electric power planning for use by the commissioners and their staff. If the hon. member for Hamilton West or any member of the Legislature should wish to review the report with Hydro staff, I will be most pleased to make the necessary arrangements with Ontario Hydro.

If I understand the intent of the hon. member's question, I believe he was raising a concern about the safety of the public and the employees at Pickering, a concern we all share. When one considers that in the 30 years of nuclear development in Canada not one member of the public has been harmed by radiation from nuclear reactors and weighs this against the benefit gained then the newspaper article to which the member was referring does seem to be a distortion of the facts.

The member for Hamilton West quoted from the article which stated that during periodic clean-up of the Pickering boiler room concentrations of radioactivity as high as 200 times the maximum permissible level were detected. The term "maximum permissible concentration" is a technical term that refers to the concentration of radio-

activity to which an unprotected—and I underline that word—unprotected workman may be exposed during his entire time on the job without receiving a radiation dose greater than the Canadian statutory limit.

It is true that periodically, in restricted locations and under controlled conditions, work must be done in concentrations of 200 times the maximum permissible concentration, or more. However, this can be done quite simply and safely by wearing suitable protective clothing or limiting the exposure time or both without exceeding the statutory exposure limit.

I also looked into the allegation that concentrations of radiation higher than the maximum permissible were traced up to two miles away from the reactor and found that this is false. I am advised by Hydro, "On no occasion during the operation of Pickering has a member of the public received a radiation dose due to the release of radioactive material to the environment in excess of the dose limits recommended by the international commission on radiological protection and adopted by the federal government as Canadian statutory limits."

Indeed, I am told that average annual exposures are a very small fraction of these statutory limits and that these statements are made on the basis of actual measurements in the environment by Ontario Hydro and independently by provincial and federal health ministries.

HIGHWAY TRANSPORTATION OF GOODS

Hon. Mr. Snow: I have now had an opportunity to review the interim report of the select committee on highway transportation of goods and I must say I was very impressed by the concerns raised by the House members during debate on that report.

To begin with, it was of great interest to me personally when the committee confirmed the need for the regulating process in the trucking industry.

While it is to be realized that the committee's final report is not due until February 28 of next year, my ministry will begin to act on the interim recommendations now.

Therefore, in the light of the committee's interim recommendations, and at the same time keeping in mind the committee's final report, which will be tabled in late February, it is clear to me that there is a real need for my ministry to re-examine its policies and role in highway transportation regulation and its relationship with the Ontario Highway Transport Board.

Traditionally, the government's legislation and planning in this area have been based on necessity and needs, and it is interesting to note that the members of the all-party committee spelled this formula out in part five under the heading of "reciprocity" in their summary of recommendations. Part five states:

"The ultimate aim of the government of Ontario shall be the free flow of goods in private as well as for-hire vehicles to and from points outside of Ontario with a minimum of interference by ways of fees, charges, taxes, reports, records and documentation."

I heartily agree, and this admirable goal has been our aim with respect to intraprovincial trucking. But, as admirable as it appears, there has been a proliferation of trucks and truckers, responding to demands for such services, to the point where I believe the time has come to re-examine our position, keeping in mind the select committee's recommendations.

To this end, I have directed Mr. R. H. Humphries, assistant deputy minister of our drivers and vehicles branch, to assume the overall responsibility for this re-examination. Mr. Humphries' new duties will also include my ministry's consideration of the select committee on highway safety's recommendations. Therefore, his current duties as assistant deputy minister of the drivers and vehicles branch will be reassigned.

Mr. Humphries brings a wealth of experience and expertise to his new assignment. A graduate lawyer, he was formerly the solicitor for the former Department of Transport; he served as vice-chairman of the OHTB from 1963 to 1965, and he is personally familiar with The Public Commercial Vehicles Act, The Highway Traffic Act and The Motor Vehicle Transport Act (Canada). I would like to add that he has been very actively involved in the many statutory and regulatory changes which have been brought forward over the years.

POINT OF PRIVILEGE

Mr. Reed: On a point of privilege: Yesterday, Mr. Speaker, in response to a question by my leader, the Minister of Energy read a letter he had sent to me. However, in reading Hansard, I find there are two paragraphs attributed to that letter which do not exist in the letter he sent. I wonder, with the permission of the Speaker, if I could finish the letter in its entirety as I suppose the minister intended it originally?

Hon. Mr. Timbrell: Mr. Speaker, if I may assist the member on the point of order, my response was not entirely composed of portions of his letter; there were other things I added which could very well not be in the letter.

Mr. Speaker: I think the matter perhaps could be clarified by a judicious question during question period.

Mr. Reed: The indication in Hansard as it is printed is that these two paragraphs are included in the letter, and I wanted to make it quite clear that they are not included in the letter to me.

Mr. Speaker: I have heard the member.

Mr. Lewis: Hansard just failed to differentiate. Is it possible to correct that?

Mr. Speaker: I think the hon. member has made his point clear. Is there an explanation we should have?

Hon. Mr. Timbrell: Perhaps, Mr. Speaker, if the member and I can get together, we can co-ordinate what Hansard should print because as I say, I did add other comments which certainly were not in the letter.

Hon. Mr. Davis: You can get together and put it into one paragraph.

Mr. Reed: Why won't you let me make the correction in the House?

Mr. Speaker: Hansard should be printing what is said in the House anyway.

Oral questions.

MINISTRY OF HEALTH
FINANCIAL PROCEDURES

Mr. Lewis: A question, if I may, to the Minister of Health: In view of the many and varied and serious criticisms which the report of the Provincial Auditor directs at various branches and components of the Ministry of Health, is there any intention on the minister's part to undertake some overall review of the financial procedures in his ministry, or can he indicate to us specific places where he intends to take action?

Hon. F. S. Miller: There were quite a few references to my ministry in the Provincial Auditor's report. In some cases he said he hadn't received information back from our ministry in time to incorporate it in his response. I checked up on those and, almost without exception, responses had flowed to the Provincial Auditor within days of the closing or the deadline for printing. I would say almost all of them do not deal with moneys wasted but rather with systems that, in his opinion, could be tightened up. For example, in the case of the reference that we paid some accounts for drug benefits twice, I don't know whether it was clarified that that money was recovered and that we have a normal system for a partial amount of funds to druggists each month with a reckoning, I think, once a year for their accounts. So there is very little chance for total overpayment.

The Provincial Auditor really was making comments upon irregularities and procedures which, in his opinion, didn't always indicate whether the money was properly spent. I feel, however, that they do not indicate any great waste of money and that my staff in most cases have now adequately answered his criticisms for his current report.

Mr. Lewis: By way of supplementary, in view of the very specific criticism levelled at the Medical Review Committee, which indicates that in the 15 months ending June 30, 1976, only 28 of 165 cases had been acted upon, and we're paying these people, I believe, $175 a day by statute—they're all pending or deferred and nothing is out of those—in view of his criticisms of the Medical Review Committee, their procedures, their delays and their inappropriate handling of the review, is the minister prepared to do something about that committee, reconstitute it, change it and so on?

Hon. F. S. Miller: First, I don't know where the member got his figures. The ones I have say they had 175 outstanding recommendations or cases out of 544, and that in their first year of operation they replied to 100 per cent of those given to them. In the second year they replied to 100 per cent of those given to them. It was only in the third year that the backlog of cases started to gain upon them.

Mr. Lewis: I said 15 months.

Hon. F. S. Miller: I'm interested in that too because I see MRC reports coming across my desk; every one of them comes back to me. I have seen at least 35 or 40 of them in the last three months, I would say. This is why I'm rather surprised at this figure of one. I can't dispute it. That's for the period of three months, April, May and June, of this current year.

In my opinion, the MRC deserves a great deal of respect from this House. It's made up of inspectors who are physicians working under the authority of the College of Physi-

cians and Surgeons, investigating every referral given to them by the general manager of OHIP. I believe their greatest use has been the deterrent affect they have had upon improper practices of billing. The medical profession in this province is keenly aware of the authority, the powers and the ability of this committee to look into its cases. I think they're highly respected.

They do find at times that the cases are long and involved and that, as the staff in my ministry have pointed out, doctors are often using legal assistance to counter the effects of the MRC. But, in my opinion, they perform a noble job for the people of the province and have cut down, I think, improper billings to a bare minimum.

[2:30]

Mr. Roy: May I ask a question pertaining to the first question asked by the Leader of the Opposition on the comments of the Provincial Auditor? Could the minister explain why, back, I think in 1975, his ministry was advised that there was some difficulty in the prosecution because the wording of the Act and of the regulations apparently was not precise enough and it was suggested by his legal people that there be a change in the Act and the regulations? Could he explain why we have not seen any legislation or any comments from the ministry about any legislation coming before this House to tighten up the Act and avoid any circumventing of the provisions of the OHIP regulations?

Hon. F. S. Miller: Mr. Speaker, whenever we find a need to tighten up the regulations we prepare legislation; my staff have been busy preparing it. It happened, though, that it wasn't in a final form for this particular sitting. At one time this fall I really expected to have an amendment to The Health Insurance Act before the House covering a number of the issues raised by the auditor and a number raised by us in our own investigations of billing practices. It just happens we were not able to have the amendments ready for this particular sitting. I would expect the next time we meet we will have amendments.

Mr. Roy: One quick supplementary on that: What was the difficulty in bringing forward the legislation when, according to the Provincial Auditor, all the minister had to change was a couple of words, something to do with insured services? What was the difficulty in changing that legislation?

Hon. F. S. Miller: The member is a lawyer and I'm not. I can only tell him that when one gets into changes—

Mr. Roy: I would have helped you.

Hon. F. S. Miller: I'm sure you could have. Perhaps I will come to that although—

Interjections.

Hon. F. S. Miller: I rely on the Attorney General's office right now for that assistance.

Mr. Reid: That explains it.

Mr. Roy: That is where the minister is making his mistake.

Hon. Mr. Davis: Are you returning to private practice?

Hon. F. S. Miller: In any event, I have found it isn't quite as simple to make some of the changes which may appear simple to auditors but appear complex to lawyers.

OWNERSHIP OF LABORATORIES

Mr. Lewis: A question in the same field but on a separate matter. What plans has the minister for specific legislation governing the possibility of conflict of interest in the ownership of medical laboratories, which again the auditor points out?

Hon. F. S. Miller: I don't need to have legislation for that. It's already covered in The Public Health Act. It requires only a regulation. That regulation is complete as far as my ministry is concerned right now and is ready to go through the normal regulatory process.

SEVERANCE PAY OF PUBLIC SERVANT

Mr. Lewis: May I ask the Chairman of Management Board, and I do it with great caution, hoping I can elicit from him a brief explanatory response—

Mr. Reid: No such thing.

Mr. Lewis: You're right. I know I shouldn't do it but I'll do it anyway; it's nearly the end of the session.

Can he explain how he computed $23,375 as the severance pay for Don Collins? I ask no more than that.

Hon. Mr. Auld: Hold your breath. Mr. Collins was employed by the Treasurer and he will answer that question.

Mr. Speaker: The question has been referred, I believe.

Mr. Lewis: If you'd take that blue tint off your face for a moment and answer me, I'd appreciate it.

Hon. Mr. McKeough: The auditor sets out the reason. The amount was the equivalent of six months' salary and the benefits which were applicable to that. What I think we should appreciate in this instance is that Mr. Collins was a distinguished public servant who joined, I think, in 1949 and served the province well as a deputy minister of several departments of government.

Mr. Roy: That's why they sent him to Sudbury.

Hon. Mr. McKeough: He went to Sudbury at the Premier's request to be the regional chairman. He resigned from that position and came back here but there was not a comparable position open in the public service so he chose to leave the public service.

Mr. Peterson: Comparable to what?

Hon. Mr. McKeough: I think it is reasonable to expect, as in the private sector, that when a senior public servant leaves after nearly 25 years of service, I guess six months' severance is not an unreasonable amount. I think what the auditor is suggesting is that from his viewpoint there may not be proper legislative authority to have done so. We happen to disagree and I believe the legal advice happens to disagree. Nevertheless, if the auditor is concerned that the proper legislative authority is not there to make these kinds of severance arrangements, we will and, in fact, are taking a look at the legislative authority.

Mr. Laughren: Could the Treasurer explain to us why Mr. Collins was asked to move back to Toronto when there was no job for him in the civil service by the Treasurer's own admission?

Secondly, is he aware that Mr. Collins received termination or severance pay when he left the Civil Service Commission to join the OWRC of some $10,000 which, in all, means that Mr. Collins has received almost $100,000 in severance pay from this government?

Finally, could the Treasurer tell us why he or his government has not acted on the recommendations of the public accounts committee of last February that guidelines be laid down in regard to termination of employment contracts so this kind of situation doesn't continue to happen?

Hon. Mr. McKeough: If I can remember those three questions—he was not asked to move back to Toronto but it was reasonable that he would. He resigned from his position in Sudbury and presumably, I suppose we could put it this way, was reporting back to work here which is where he started. I don't think it was unreasonable that he would come back and leave the civil service from here. His leaving Sudbury was of his own volition.

I'm not aware specifically of the arrangements when he left the Civil Service Commission to go to the Water Resources Commission or the other way around. I'm not aware of that. I suspect it may well have had something to do with pension arrangements because there was at that point, I think, a difference between the status of the chairman of a commission and that of a deputy minister.

In so far as the third item is concerned we have not felt that that was necessary. This doesn't happen that often and has been dealt with on a—

Mr. Reid: Pretty lucrative for them when it does.

Mr. Speaker: Order.

Hon. Mr. McKeough: I see articles about people thinking some people in this House should have more money. We're going to go on paying our civil servants well. We don't apologize for that.

Mr. Reid: How about starting to pay us well?

Mr. Nixon: It was $60,000 to Don Collins.

Mr. Reid: How come in six months he gets more than we do in severance pay?

Mr. Speaker: Order, please.

Hon. Mr. Davis: He's been here longer than you.

Mr. Reid: It doesn't seem long.

Hon. Mr. Davis: And I will tell you, you won't be here as long as he has been.

Mr. Reid: I can guarantee you I won't be here that long.

Mr. Speaker: Order, please. Will the hon. Treasurer ignore the interjections and answer the third question?

Hon. Mr. McKeough: With respect to the third question, the auditor now having raised it, perhaps a policy does need to be developed and put into regulation. As I've already said, if the legislative authority is not proper then we'll have to do something about that as well.

Mr. Nixon: It is a great defence. You should be proud of yourself.

Hon. Mr. McKeough: You couldn't run anything more than a peanut stand. You couldn't run a peanut stand.

Mr. Nixon: You make a payment of $60,000 and defend it. You should be ashamed of yourself. You couldn't run a candy store.

Mr. Speaker: Order, please. I'm sure that's a great display for our visitors in the gallery as well as just being a poor exhibition right here in the House.

Mr. Lewis: Mr. Speaker, I would simply like a peanut stand to run.

Interjections.

Mr. Speaker: Would the hon. leader proceed with his question?

Mr. S. Smith: You would socialize it. You would nationalize it.

Mr. Lewis: Maybe Don Collins couldn't handle it either. That's why he moved.

FIRST MINISTERS' CONFERENCE

Mr. Lewis: May I ask the Premier if he is interested in offering to the Legislature—perhaps he intends to do it tomorrow—comments not so much on the conference about which we read but on that part of the conference which applies to Quebec's performance, Quebec's role, what the Premier of that province put and how the Premier of Ontario felt in terms of Quebec's participation when he left the dominion-provincial conference.

Hon. Mr. Davis: Mr. Speaker, I do have three documents to table. I really didn't plan a statement today. It is my intention, physical abilities allowing, to participate in a very non-provocative way in the budget windup tomorrow. As part of that very historic address in which I hope to prevail upon the Leader of the Opposition to—

Interjection.

Hon. Mr. Davis: —I'll give him a little advance notice now that I'm hopeful that when I have finished he will see his way clear to recognize the virtues of this government and just how well it is going and to alter his position. As part of my suggestions to him I will make some references to the discussions in Ottawa in the past two days.

There are just three documents to table—the very brief statement I made at the conclusion of the conference; the statement tabled with the conference related to certain economic considerations, and a further statement developed by the Treasurer, outlining in greater detail the financial implications of the decisions that were reached yesterday.

Mr. S. Smith: A supplementary on this question, if I may.

Mr. Speaker: No. It's the hon. member's turn. He can call it whichever he wishes.

Mr. S. Smith: I'll ask the Premier as a new question, if you like, Mr. Speaker, whether he would be willing to share with this House any basic conversations which may have gone on, either at the conference or in the corridors, with the Premier of Quebec regarding particularly the subject of Ontario's linguistic policy and this province's treatment of the Franco-Ontarian minority? Did that come up at all and could he apprise us of that?

Hon. Mr. Davis: No, I don't really think the Premier of Quebec and I had any conversations in any corridors. I'm trying to remember exactly where, geographically, we were. I don't think we did.

Mr. Roy: Were you that confused?

Hon. Mr. Davis: We did chat informally in the presence of several others at the home of the first minister of this country. The Premier of Quebec did not raise with me the policies of the government of this province. I think the leader of the Liberal Party might be interested in reading the Premier of Quebec's observation on bilingualism as they relate to the policies of the government of Canada. He might take a look at that; I would be prepared to answer any supplementary questions, but we did not discuss policies within the province of Ontario.

Mr. Peterson: Supplementary: As a result of the conference and, of course, other events that have transpired in the recent past, does the Premier and his government have any plans for changes in policy towards the minority groups, and particularly the francophone groups, in this province?

Hon. Mr. Davis: I guess I could outline for the member for London Centre the traditional policy of this government, the progress—gradual in the minds of some, not so gradual in the minds of others—as it relates to the Franco-Ontarians of this province.

Mr. Samis: You're moving at a snail's pace.

Hon. Mr. Davis: I would say, with respect, that the policy here has developed in a way that has caused very little controversy—

Mr. Roy: That's right, because you haven't done anything.

Mr. Speaker: Order, please.

Hon. Mr. Davis: I would say, with great respect to the member for Ottawa East, that in terms of our policy for the Franco-Ontarians, it is a progressive policy—

Mr. Roy: Oh, don't come bragging to me about that.

Hon. Mr. Davis: —it is a good policy—

Mr. Samis: It is not enough.

Hon. Mr. Davis: —it is working, and it is not causing controversy.

Mr. Conway: Some of your back-benchers don't agree with you.

Mr. Speaker: Order.

Hon. Mr. Davis: —and, with great respect, if the people the hon. member has so actively supported in the nation's capital had taken a somewhat different approach to bilingualism, there would be fewer issues existing in this country today.

Interjections.

Mr. Yakabuski: You walked right into that one.

Mr. S. Smith: That does not help.

Mr. Speaker: This will be a final supplementary.

Interjections.

Mr. Speaker: Order, please.

Mr. Samis: Can the Premier assure the Franco-Ontarian minority in this province that he will take definitive action to implement true bilingualism in the field of health services and government services?

Mr. Speaker: Order, please. We are dealing with the matter of bilingualism at the conference, and this is not supplementary to that question.

Mr. Conway: Paul, are you going to tell us about bilingualism?

Mr. S. Smith: That remark was a poor remark.

Hon. Mr. Davis: Ask Keith Spicer.

LIMITATIONS LEGISLATION

Mr. S. Smith: A question, if I might, for the Attorney General: I would like to ask the Attorney General about the very tragic incident, reported in the Sun today, of a 58-year-old widow whose right leg was amputed as a result of a power line accident and who lost a $200,000 suit against Hydro because her lawyer did not act within the six-month limitation period established in the Act. Is the Attorney General finally going to act on the reports of the Ontario Law Reform Commission of 1969, in which it was clearly recommended that there be a general revision of The Limitations Act, by which this extremely unfortunate type of situation could have been avoided had we already acted on this? Does he have some intention of acting to avoid this?

Hon. Mr. McMurtry: Yes, I agree with the recommendation of the Ontario Law Reform Commission and we expect to have legislation to introduce in the spring with respect to providing for uniform limitation periods. It's a very complex subject. It involves a large number of statutes and a number of people have been working on this for some months. We should have legislation for the next session.

[2:45]

Mr. S. Smith: A brief supplementary, if I might: I appreciate the promise the Attorney General is making but I wonder if he could explain why the government has not acted since 1969 on what was clearly an important need?

Hon. Mr. McMurtry: My ministry has been working hard on this subject since October 7, 1975.

Mr. Good: You never worked hard.

Mr. Yakabuski: Supplementary: I'm wondering if the lady in question could not take legal action against the legal person who represented her?

Mr. S. Smith: Of course she can.

Mr. Singer: That is not really a supplementary.

Hon. Mr. McMurtry: Yes, that course of action would be open to this individual.

Mr. Singer: Supplementary: I wonder if the Attorney General could explain the lack of action by his department over all these years and by his predecessors, even though this matter has been debated in this House at least eight times already?

Mr. Speaker: I think the hon. minister did answer that.

BRUCE SAFETY REPORT

Mr. S. Smith: A brief question to the Minister of Energy: Appreciating the minister's answer earlier today to a question I had asked previously and having already been offered the chance to look at the Bruce reactor safety report and the Pickering report, could the minister tell me whether I will be given the chance to look, not at the reports themselves, but at the background notes and papers exchanged between AECB and Ontario Hydro? Has the minister himself had the oportunity or will he get the opportunity to look at those particular notes and papers?

Hon. Mr. Timbrell: As I indicated yesterday, the safety reports are the culmination of exchanges of correspondence between AECB and Ontario Hydro and those are what are referred to as the notes. It's actually correspondence between the two. When an item is concluded it is then registered in the report.

Mr. S. Smith: By way of supplementary, is the minister not aware that the reports are very highly technical and that it's the background correspondence regarding the report that I asked for now two and three times? Why can we not look at that, and has the minister himself looked at that?

Hon. Mr. Timbrell: The correspondence and the notes, if the member wants to call them that, are just as technical, just as proprietary, just as much of a concern in terms of—

Mr. S. Smith: Has the minister looked at them?

Hon. Mr. Timbrell: I have seen some over the years, yes. I think his concern should be with the report, which is the culmination of the process.

Mr. Moffatt: Supplementary: I wonder if the minister would tell this House if any of the information related to the answer that he just gave is classified by the Atomic Energy Control Board and is any of it unavailable to members of this House?

Hon. Mr. Timbrell: I have indicated the reports are certainly available for the members. Is that the import of the question or is it the correspondence?

Mr. Moffatt: The background information.

Hon. Mr. Timbrell: I don't know that.

PROMOTIONAL MATERIAL

Mr. S. Smith: I have one final question for the Minister of Industry and Tourism. Could he explain the policy of his ministry with regard to distribution of promotional material inasmuch as the chamber of commerce of Stoney Creek, which has international events, was refused that promotional material, and yet the Miss Nude World pageant received 9,000 brochures, 600 road maps and 300 trillium pins, and one wonders where they were going to pin them?

Mr. Roy: Hey!

Hon. Mr. Rhodes: The member for Ottawa East requested those.

Mr. Kerrio: Just give us the bare facts.

Mr. S. Smith: Could the minister explain that particular policy of the ministry?

Mr. Lewis: Only you could answer it straight.

Hon. Mr. Bennett: As far as the refusal of literature to the chamber of commerce at Stoney Creek is concerned, I would have to look into it. My understanding is that chambers of commerce have been given, through their travel associations in their various regions of the province, the amount of literature they require for promoting their activities. As for the second portion of the question, I shall take it under advisement.

Mr. Reid: We just want the bare facts, that's all.

Mr. S. Smith: By way of supplementary, while he is doing his undercover operation to find out the answers to this—

Hon. B. Stephenson: It would only be undercover for the Leader of the Opposition.

Mr. S. Smith: —could the minister also consult with his own executive director of tourism who suggests that basically his minis-

try was duped by the pageant into believing it was an international event, when in fact it consisted entirely of Canadians, with the exception of one girl who was Mexican but living in Canada anyway?

Mr. Foulds: What is wrong with that?

Hon. Mr. Bennett: I suppose the only defence for that is that all the girls coming in would be considered tourists in Ontario and help offset the balance of payments we have, but I shall look into that portion as well.

POINT OF ORDER

Mr. Grossman: On a point of order, Mr. Speaker, this afternoon at the public accounts committee certain documents were released to the members of the public accounts committee and I thought, pursuant to a motion of the committee moved by the member for Port Arthur, that the documents, by agreement of the committee members, were to be kept confidential to the committee members. I see some of my colleague on the Liberal benches, many of them, looking over the report at the present time.

Mr. Yakabuski: Oh, no! Oh, for shame.

Mr. Grossman: I wanted to draw that to the attention of the House. I understood that each member who received it was to keep it confidential to himself and not all of his colleagues, which I see is hapepning here this afternoon.

Mr. Speaker: I am certainly not aware of what the member is discussing.

Interjections.

Mr. Bullbrook: Right, makes great reading too.

Mr. Foulds: Mr. Speaker, the motion did not read "confidential to committee members." The motion read "confidential." I assumed it was open to members of the House but not to become public knowledge.

Mr. Speaker: There is nothing I can do about it at the present time anyway.

An hon. member: Do you have binoculars there?

FIRST MINISTERS' CONFERENCE

Mr. Yakabuski: Mr. Speaker, I have a question of the provincial Treasurer, which I am sure has great importance to this House, and is certainly of national importance. In view of the fact that he was one of the delegation attending the first ministers' conference in Ottawa, is it true that the socialist Premier of Manitoba, who previously fought wage and price controls, has now agreed to go along with an extension of Trudeau's wage and price policy?

Interjections.

Hon. Mr. McKeough: Mr. Speaker, I think it is fair to say that that is not only true of the Premier of the socialist government of Manitoba, it is also true of the Premier of the socialist government of Saskatchewan. One could only deduce from this that given time, given a little help, given a little encouragement, even socialists can see the light.

An hon. member: Even Liberals.

Mr. Lewis: How much time do you think I need?

Hon. Mr. McKeough: While you're over there you'll have all the time you want.

Interjections.

Mr. Speaker: Order, please.

Mr. Lewis: I don't want an answer; it was a rhetorical question.

ITALIAN COURSES IN SCHOOL

Mr. Grande: Mr. Speaker, my question is to the Minister of Education: Can the minister either confirm or deny two rumours regarding the multicultural policy statement which he promised on November 4 in this House that he would make in two or three weeks' time, those rumours being—and by the way the rumours come from members of his own ministry—that there will be no statement before the House rises for the holiday season, and secondly, that the statement will be made prior to or during the next provincial election campaign?

Hon. Mr. Wells: Mr. Speaker, I can confirm the first rumour that, unless my friend wishes to sit here for the next three or four weeks there will be no statement before this House rises, and that the statement will be made I am sure before the next election, unless my friend and other members decide to vote differently tomorrow evening.

Mr. Grande: Supplementary: In view of the minister's answer, will the minister and the staff in his own ministry make sure that the bilingual-bicultural programme of Orde

Street Public School will not be sacrificed due to his ministry's stalling on this?

Hon. Mr. Wells: I would be glad to talk to the Toronto board about the Orde Street programme, but I don't believe they have communicated personally with me about that programme or about the continuation of that programme. The Toronto board gets a lot of money and raises a lot of money and carries on a lot of good programmes and it does them well.

Mr. Foulds: Supplementary: Can the minister assure the House that if the announcement comes before the House resumes he will give the opposition critics advance notice of the statement, so that we can be available for comment at the time?

An hon. member: You've got to be kidding.

Hon. Mr. Wells: I'm always happy to accommodate my friends and we'll be glad to take that under advisement.

HAWK LAKE CULVERT COLLAPSE

Mr. Eakins: Mr. Speaker, to the Minister of Transportation and Communications: What action has the minister taken or what is his reaction to the recommendations of the jury established at the coroner's inquest into the Hawk Lake culvert collapse last spring in Haliburton county in which three people lost their lives?

Hon. Mr. Snow: It's some time since we received a copy of that jury report, but as I recall the details that particular project was certainly not a project carried on by my ministry or by a road authority. I would have no jurisdiction over it.

Mr. Eakins: Supplementary: My question was, what is the minister's reaction in regard to the recommendation? They know he has no jurisdiction, but their recommendation was that his ministry implement a code to regulate the building of any such structure not presently supervised by MTC or other regulatory body. What action has the minister taken or what does he plan to do?

Hon. Mr. Snow: I have not taken any specific action on that recommendation because I don't believe there is any way my ministry could create a code that would involve limitations to structures built outside our jurisdiction.

TIMMINS HIGHWAY ACCIDENT

Hon. Mr. Snow: Mr. Speaker, on December 3 the member for Cochrane South (Mr. Ferrier) directed a question to me through the Provincial Secretary for Resources Development regarding an unfortunate and tragic accident that occurred on Highway 101, near Timmins on November 28, 1976.

From the preliminary Ontario Provincial Police report it appears this accident occurred on a straight and level section of Highway 101. The action involved a collision between two automobiles, one northbound and one southbound. The road surface as described in the OPP report was bare and wet, with weather conditions clear and cold. From the absence of any witnesses to the accident we can only assume the two vehicles that were involved in the collision were alone on the road at the time of the accident.

I would suggest from the information we have at this time that neither the condition of the road surface nor the width of pavement was a contributing factor to the accident.

Mr. Laughren: Supplementary: Did the Provincial Secretary for Resources Development pass on to the minister our concern about winter maintenance on Highway 144 between Sudbury and Timmins and, as well, about the width of the road which may very well cause accidents in the future and, indeed, makes driving on the road very difficult and hazardous?

Hon. Mr. Snow: My colleague did pass on that supplementary as well and, of course, we've discussed this on previous occasions during the estimates of my ministry.

Highway 101 has, as I recall, a 20-foot width of pavement. Basically most of our paved highways are in one of three widths—20, 22 and 24 feet—depending upon the traffic volume of the particular road. There are many hundreds of miles and perhaps many thousands of miles of 20-foot highways in the province. This happens to be one of them.

We're continually monitoring and upgrading our standards, but because of constraints I'm afraid we do not have any immediate plans for the reconstruction of this particular highway—which as I understand it is what would be involved. To get additional width you would really have to reconstruct the highway.

[3:00]

Regarding the maintenance, I think we have the same level of maintenance, certainly to my knowledge, within all our patrols on all our particular highways. If the hon. member has some specific comment regarding maintenance on this highway or some specific information or complaint, if he would give it to me, I would be glad to look into it.

Mr. Speaker: The final supplementary

Mr. Wildman: Can the minister inform the House as to what information he has regarding the ploughing of that highway that weekend? There was a bad blizzard that weekend and my information is that it wasn't very well ploughed previous to the accident.

Hon. Mr. Snow: As I said in the earlier portion of my answer, the OPP report states the highway was bare and wet.

HEALTH AND SAFETY LEGISLATION

Mr. Bounsall: Mr. Speaker, I have a question for the Chairman of the Management Board of Cabinet: Will the minister assure this House that all the necessary funds will be granted for the coming year to enable the Ministry of Labour to hire sufficient safety inspectors to implement The Employees' Health and Safety Act which we passed this past Tuesday?

Hon. Mr. Auld: Not knowing exactly what the requirements are yet I can't give a definitive answer. I would say this whole programme is a priority of the government. It is being studied by consultants to see exactly what staff is required. I think the Minister of Labour has indicated it may be difficult, if not impossible, to obtain as rapidly as she might wish the kind of trained personnel she is going to require in the numbers she will require.

Mr. Laughren: Is the Chairman of Management Board telling us that the Ministry of Labour has not specified to him the kind of money and people it will require in the new authority?

Hon. Mr. Auld: I didn't say that.

ORGANIZED CRIME

Mr. Reid: Mr. Speaker, I have a question for the Solicitor General in regard to organized crime. Can the Solicitor General confirm or deny a news report on radio station CHUM last Friday, I believe, which stated that a senior OPP officer had been in touch with his counterpart in Quebec to see if he could find out how to go about getting a public inquiry into organized crime in the province of Ontario?

Hon. Mr. MacBeth: I heard a replay of that interview and subsequently I was interviewed by someone from CHUM. I asked them to name the senior officers to whom they had been speaking. Of course, they would not or could not do it; I don't know whether it's a case of would not or could not but they hesitated and in fact did not name them.

I said I had spoken to senior officers who advised that such an investigation as they were suggesting would do more harm than good, and I did not hesitate to name the people to whom I had been talking. One, of course, was Chief Harold Adamson of the Metropolitan Toronto Police, and our own Harold Graham, commissioner of the OPP.

Mr. Reid: Since the minister keeps refusing to have a public inquiry, would he explain to the House the reasons he is given by the OPP for not having an inquiry? Why?

Hon. Mr. MacBeth: I would rather put it the other way around and ask my hon. friend one good reason for having an inquiry but I will try to give him some reasons that we shouldn't.

Mr. Philip: He is not here to answer questions. You are.

Hon. Mr. MacBeth: First of all, as I have said on many occasions, and I know my friend doesn't want to hear this information, the provincial police feel they know the names and the people they should be watching for in organized crime.

Mr. Philip: Just give us the information.

Hon. Mr. MacBeth: It is not a case of finding out who they are. It is a case of getting evidence to get convictions. They know this and if they had some investigation which might parade a lot of these people, it might destroy some of the investigation they already have and some of the evidence they have already acquired.

One very realistic point of view is that we are on a restricted budget at the present time. The police of this province, both at the municipal level and at the provincial level, would like more funds. Always the opposition thinks the answer to any problem at all is let's have an investigation; let's investigate just about everything and anything. But, my good friend, investigations cost money.

Mr. Reid: So does organized crime.

Hon. Mr. MacBeth: I would think an investigation of this nature might cost well over a million dollars.

Mr. S. Smith: And the home buyers grants.

Mr. Peterson: How much?

Hon. Mr. MacBeth: When I talk to the police their thought is, "If you have an extra million dollars for police, don't spend it on investigations which will do very little. Let us have more men and equipment."

Mr. Foulds: —the money or the Mafia.

Mr. Speaker: Order, please.

Mr. Reid: If the minister is telling us that they know who all these people are, what is the problem in getting convictions? Is it a problem with the Criminal Code?

Hon. Mr. Kerr: The federal government.

Hon. Mr. MacBeth: It is a matter of evidence.

Mr. Peterson: Did the minister read the report in the press last week that a prosecutor in Quebec said they have evidence there is more organized crime in Ontario than there is in Quebec? Did he read that and what is his reaction to that report?

Hon. Mr. McMurtry: That's nonsense. Absolute nonsense.

Hon. Mr. MacBeth: Mr. Speaker, I haven't been relying for my information on the prosecutors in Quebec.

Mr. Cunningham: Lots of good headlines in it. I don't know why you don't go ahead.

Hon. Mr. McMurtry: It is bloody nonsense.

SALE OF LAND IN HAMILTON

Hon. Mr. Rhodes: The hon. member for Hamilton West recently asked two questions of me. One was as to why the government does not release land on Hamilton Mountain for sale in large quantities all at once. The other was about "speculative profit" the government has realized from the sale of land so far on Hamilton Mountain.

As the hon. member is probably aware the lands in question are not owned solely by the province. They are owned by a federal-provincial partnership. In the early 1950s some 900 acres of raw land across the mountain were acquired as a land bank to be developed as municipal services became available.

Central Mortgage and Housing Corporation, the federal agency, was the active partner during the first two phases of development, the first in 1957 and the second in 1967. It wasn't until after this that the province became the active partner.

The hon. member asked why the province did not sell the land in large quantities all at once. The land is not contained in one large parcel, as I am sure he is aware. The holdings are scattered across the mountain in many parcels north of Mohawk Road.

Because of the scattered nature of the lands and the lack of sewer and watermains, development could not take place as quickly as some would hope. Development has taken place since 1967 as quickly as planning was undertaken by the city, followed by the provision of main services. In fact, to help speed up the rate of development, OHC entered into an agreement with Hamilton in 1970 to finance the construction of the Red Hill Creek trunk sewer. Under this agreement, OHC and CMHC pre-financed a sewer construction programme designed to service about 3,000 acres at the east end of the mountain.

The programme was to cover about 600 acres of federal-provincial land and about 2,400 acres of privately-owned land. It is estimated the final cost of this programme will be in excess of $10 million. Hamilton is repaying the bulk of the cost of the sewer programme over a 15-year period. Without the assistance the pace of development would have been even slower. As a matter of fact, only 157 acres of federal-provincial land have yet to be serviced.

With regard to the question from the hon. member concerning speculative profit to the government, I had some of that information prepared but I do not believe the information I had was adequate for what he was seeking. We are going to have to go through a number of records to get a specific dollar figure. The land was sold during various phases over a period of about nine years and we have to check as well with Central Mortgage and Housing Corporation which was involved with it.

I would like to advise the hon. member that I will have this material in its entirety and complete and I will file it with the clerk if the House is not sitting.

Mr. S. Smith: Supplementary, if I might. I appreciate the answer the minister has given. I wonder, though, whether he would agree

with me when he is seeking this information that, given the need for affordable housing, the province and the city could find some way to service the land more quickly and to sell at something a little under market value in order to get affordable houses on the market rather than holding out for the highest possible market price?

Hon. Mr. Rhodes: Certainly we are prepared to co-operate with the municipality in an effort to bring the land on stream for development as soon as possible. I can't comment as to what the total price has been. I don't disagree with the desire to have the cost lowered but I think once we see the figures we will have an idea of what sort of market we are talking about.

Mr. Deans: May I ask a supplementary?

Mr. Speaker: Order, please. We have about 30 seconds left—well all right; we will take it up with a supplementary then, since it evens it up.

Mr. Deans: Does the minister agree that the statement he has made with regard to his desire to see more affordable housing is in direct conflict with the statement made by one of his predecessors at the time he was requested to do exactly what the leader of the third party has asked for—to make that land more readily available and not to take into account the high prices charged by the private developers?

Hon. Mr. Rhodes: Mr. Speaker, I don't know with whom I'm supposed to be in conflict—

Mr. Deans: Stanley Randall.

Hon. Mr. Rhodes: I must apologize to the hon. member. He obviously is much older than I, certainly in terms of service in office, and I am not familiar with what Mr. Randall may have said.

Mr. Deans: You should read it then.

Hon. Mr. Rhodes: I'll be glad to read it.

Mr. Speaker: The oral question period has expired.

Petitions.

Presenting reports.

REPORT

Hon. Mr. Handleman presented the 29th annual report of the Liquor Licence Board of Ontario.

Mr. Speaker: Motions.

Introduction of bills.

TIMMINS HIGHWAY ACCIDENT

Hon. Mr. Snow: Mr. Speaker, if I may—I don't know if this is a point of order or a point of clarification, but I may have inadvertently misled the hon. member for Algoma a moment ago when I stated that the road in question in the OPP report was "bare and wet." In double-checking the OPP report, it is "centre bare and wet." I do have photographs taken by the OPP, both on the night of the accident and on the morning after the accident. They certainly do show the road—it may be questionable whether it is bare, but you can certainly see the white lines, you can see the pavement; the road is well ploughed as far as the ploughing is concerned. I didn't want to leave an impression that might not have been correct.

Mr. Speaker: Orders of the day.

UNIFIED FAMILY COURT ACT

Hon. Mr. McMurtry moved second reading of Bill 189, An Act to establish the Unified Family Court.

Mr. Speaker: Please, may I ask the hon. members as they're leaving the chamber would they please do it as quietly as possible?

Mr. Renwick: That doesn't bother me, or the Attorney General, I'm sure.

We support the principle of the unified family court and the establishment of it on an experimental basis, in the first instance, in the regional municipality of Hamilton-Wentworth.

The purpose of the bill is laudable. The jurisdiction of the court is laudable. If there are any comments that need to be made they could best perhaps be made, with one exception, when the bill is in committee, when we deal with the questions of the mechanics of the operation of the court and whether or not there are any amendments which may be required in order to make certain the purpose of the bill is achieved.

I did, however, want to express a great concern that we as a party always have when we find, disguised as cutting through legalistic red tape, that the government of the province of Ontario allows an aggressive federal government to entrench upon the position of the province of Ontario under the constitu-

tion. I don't want to elaborate at any great length about that question, but it's the history of this government that it has, over a period of time, been subservient in constitutional matters in a large number of areas to the federal government. In this particular case the Attorney General acknowledged that he had been subservient to the Minister of Justice—

Hon. Mr. McMurtry: Oh no, no, no, no.

Mr. Renwick: —and, what was more important, he thanked the Minister of Justice for allowing him to give away part of the constitutional position of the province of Ontario with respect to the appointment of judges for the purposes of this bill.

It may well be that he will say he had no other alternative. I would think one of these days this government, with the assistance and support of the province of Quebec, will be able to protect itself—it certainly can't do it alone—against the aggressive encroachments of the federal government. I want to refer very briefly to that point because the Attorney General made his statement in connection with it.

[3:15]

Under the constitution of Canada, there are various provisions which relate to the question of the appointment of provincial judges. I want to refer to a very lengthy case in the Supreme Court of Canada in 1938, and I want to refer to certain succinct passages in that bill to indicate the persistence of the federal government and the incapacity of the government of Ontario to deal with the matter.

This was a reference which was made in 1938: "In the matter of the reference concerning the authority of judges and junior and acting judges of the county and district courts, police magistrates, justices of the peace, and judges of juvenile courts to perform the functions vested in them, respectively, by the Legislature of the province of Ontario, pursuant to the provisions of The Adoption Act, The Children's Protection Act, The Children of Unmarried Parents Act and The Deserted Wives' And Children's Maintenance Act, being then within the Revised Statutes of Ontario, 1937."

The reference was made mainly at the request of the then Attorney General of the Province of Ontario, asking the following questions: "In several of the provinces of Canada in the case of certain social legislation, the Legislatures have purported to confer extensive judicial powers upon officials appointed by the Lieutenant Governor in council to be members of tribunals constituted under the said legislation. Questions have been raised whether these judicial powers are such as were theretofore exercised only by the superior and district and county courts of the provinces, in which event doubts arise as to whether the said judicial powers have been validly conferred.

"In one of these cases, the Hon. Chief Justice of Ontario described the question of jurisdiction as being of great public interest and importance, and stated that it was desirable that it should be settled by the court of final resort. The Attorney General of Ontario has represented to the Minister of Justice that there are four Ontario statutes of widespread application in relation to which the question arises." I named the statutes a moment ago when I quoted from the heading of the reference in the Supreme Court of Canada.

"The Attorney General of Ontario further represents that the effective administration of the aforesaid statutes has been greatly impeded by the doubt that had been raised as to the validity of their provisions relating to the exercise of judicial powers, and has requested that the same be referred to the Supreme Court of Canada in order that the doubt may be set at rest."

Then the reference is made to the Supreme Court of Canada and unanimously the Supreme Court of Canada answered the question, yes, the provincial government under the authority of the Constitution had the capacity to appoint judges of the provincial courts which are now the provincial court criminal jurisdiction and the provincial court family jurisdiction, and of course there is the long train of other cases which deal with the matter.

The particular quotation that I want to make very succinctly from a very lengthy judgement of the then Chief Justice of Canada, Chief Justice Sir Lyman Duff, was: "The practical problem raised by this reference is whether or not it is competent to the province to invest the officers presiding over these special tribunals, as well as justices of the peace and police magistrates, with the powers of summary adjudication conferred upon them by the statutes, or whether, on the other hand, as is contended by those who attack the legislation, they are disabled in some important respects by section 96 of The British North America Act from taking advantage of this convenient summary procedure which has proved so efficacious."

I ask the Attorney General to mark—as he undoubtedly has marked in the discussions

which he has had with his own law officers—the following quotation: "Now, it seems to be indisputable that sections 96 and 97 of The British North America Act contemplate the existence of provincial courts and judges other than those within the ambit of section 96. Indeed, it would be a non-natural reading of those sections to construe them as applying to such courts of summary jurisdiction as magistrates and justices of the peace. Besides, such a construction, having regard to the circumstances, even if the language in its ordinary sense extended to such judicial officers, would seem to be excluded by the fact that all judges appointed by the Governor General are to be selected from the bars of the respective provinces. That the statesmen responsible for Confederation could in fact have contemplated such a restriction upon the appointment of magistrates and justices of the peace would be a supposition that nobody having any knowledge of the circumstances of the country could countenance.

"Nor, so far as I know, has it been contended since 1892 that magistrates and justices of the peace and courts presided over by them at the time of Confederation fell within the intendment of section 96. Nevertheless, the argument before us in support of the attack on the constitutionality of the legislation based upon some dicta decisions of the last few years appears logically to involve the conclusion that magistrates and justices of the peace exercising civil jurisdiction are within the purview of sections 96 and 97 and it is necessary to examine the validity of this position."

He goes on then to indicate—and I want particularly to put on the record this particular quotation from the Chief Justice's decision in that case: "Shortly after the The British North America Act came into force the view was put forward by the Department of Justice"—that's the federal Department of Justice—"in reporting on provincial legislation that no prerogative rights of property and no prerogative power passed to the provinces and that the provinces had no legislative jurisdiction in respect of such rights or powers. Notwithstanding the convincing argument set forth in a memorable state paper by Mr. Mowat, in which he expounded the views of the government of Ontario touching the relation of the provincial executive to the Crown; notwithstanding the decision in Regina versus Coote; notwithstanding the decisions of the Ontario judges supporting the doctrine advocated by Mr. Mowat on which the Ontario legislation was based," the Department of Justice did not yield the ground it had taken up in this controversy until the decision of the Privy Council in the Maritime's Bank case which was then in 1892.

They then yielded that particular point until 1932 in the Martineau case when again the federal authority raised the question of jurisdiction and of course they were again overturned. In 1938, the Supreme Court of Canada determined the question of the jurisdiction of judicial appointments made by the government of the province of Ontario by the Lieutenant Governor in Council in the role which they could play in the administration of justice in the province under head 14 of section 92 of The British North America Act, regardless of the power conferred upon the federal government for the appointment of judges of the superior courts under section 96:

Having said that, I want to say to the Attorney-General that his original approach to the federal government was the correct approach. It was a constitutionally supportable approach. It had no basis in constitutional law to support the position taken by the Minister of Justice of the federal government. I do not know why, when situations like that develop in something called the interest of expediency or in the interest of cutting through legalistic red tape, we continually sacrifice to the federal government essential components of the jurisdiction of this province, which is an essential ingredient to the federalism of Canada.

I say to the Attorney General he should have said to the Minister of Justice in Ottawa that the position we are taking is for him to confer his jurisdiction on these judges and we'll confer our jurisdiction on the same judges so that we can have the achievement through co-operation of the unified family court for the beneficial purposes. I don't know why that question could not have been referred when the problem initially arose in the discussions of the Law Reform Commissions with respect to the urgent social need in order that the matter could be decided and then, on the basis of that reference, to have established these courts. But, oh, no, the Attorney General, consistent with the policy of the government of Ontario over the years of Tory domination of the government of the province, has decided otherwise.

The result now is that the judges who will preside over the unified family court will be judges appointed by the federal government, even though the Attorney General believes that in the initial instance he has the consent of the Minister of Justice of Canada to designate who those judges will be.

In any event, the jurisdictional provisions of the unified family court bill, Bill 189, are very good provisions. The specific provisions for the functioning of that court in an initial way—experimental only in the sense of making certain it's the initial effort, and that it can be worked out satisfactorily rather than in this experimental sense and that it will not become a part of the system of the administration of justice in the province of Ontario—all of those matters are ones with which we agree.

Our sole dissent is on the very point which the Attorney General went to such great lengths in his opening remarks to justify or excuse, and on that particular point we disagree with him. One of these days, of course, that question will be otherwise decided; then we can then redo the united family court to take into account the concurrent jurisdiction of the province of Ontario and the correlative jurisdiction of the federal government under the constitution, and invest the particular men who are chosen to exercise those judicial functions with the powers which are necessary to enable these courts to function.

With that caveat—a serious and important caveat in these days when the constitution is not only fashionable as a matter of discussion and concern but is rapidly approaching a point where we may very well find that a significant and substantial revision of the constitution is necessary—with that one reservation, we agree and consent to the bill.

I would assume that at some point the broader question of the participation of the provincial governments in the designation of persons to be appointed under section 96, both for superior court purposes and for the purposes of the Supreme Court of Canada, may be one of the topics among many which will be required at the time when the constitution of the country is revised.

With those comments, we will support the bill on second reading.

Mr. Roy: Mr. Speaker, I rise to make some enthusiastic comments about this type of legislation. I have some reservations about certain clauses in the bill, but generally I do want to say that my colleagues in the Liberal Party and I are in full support of this legislation.

I think you know, Mr. Speaker, that I've talked for some time in this House, as well as outside of this House—during the campaign for the leadership of our party, in fact—about difficulties in the administration of justice. In fact, many of the things that I said at that time, I am pleased to say the Attorney General has acquiesced to or has picked up. I'm not suggesting there has been theft or anything of this nature; I think it was in the works anyway.

These were things I voiced as a member of the profession and as one who was concerned about the administration of justice lagging behind; sometimes I felt we were operating an administration of justice system that was perhaps 50 or 100 years behind 1976 society. This is the type of legislation which I hope will bring back an administration of justice system that is responsive to the people out there in the community.

As one who has done certain work in the family courts and who has had some experience as a practitioner in family law, it was always extremely difficult for me to explain to clients, to the public out there, why it was that if there was a problem, say, of assault, involving a husband and wife, they'd end up in provincial court, family division; if they were fighting over the children's custody and so on, they were in county court, and if they were fighting over alimony, divorce or whatever, they might be in Supreme Court. To the average citizen, it just didn't make sense. In fact, I would go a step further and say that I feel—and I say this sincerely to the Attorney General—as far as the average citizen is concerned, there are too many levels of courts presently in this province. There's one too many, and I hope that we'll look at that.

[3:30]

As my colleague from Riverdale has mentioned, there is a jurisdictional problem involving the federal government and the provincial government and it's difficult to deal with. But to the public out there, the jurisdiction argument is not a very good excuse. They want a system of justice which will be responsive to the needs of the community of Ontario, the community of 1976 and 1977. It's important to have rules and procedures and expediency involved in that to keep up with this vibrant society we have in this province and in this country.

I've talked about this. I've talked about the need for a unified family court and I'm extremely pleased to see the experiment starting in the judicial district of Hamilton-Wentworth. I trust and I would hope that the experiment will work because I would like to see it proceed right across this province. As my colleague from Riverdale has said, there is a problem; there is a jurisdictional problem and there is a problem of appointing judges.

For the lay person, the person out there on the street, it's hard to imagine that the two

levels of jurisdiction will be fighting to keep their jurisdiction to appoint certain people at certain levels of the court. What transpires in this particular situation is that they're taking provincial court judges and swearing them in as county court judges so they become local judges of the Supreme Court. I take it that that is the system because it's not clear from the bill that these are not county court judges who are going to be given provincial court jurisdiction. It's the other way around.

I sort of sympathize. I've discussed this matter with the Attorney General during the estimates and I sympathize with the Attorney General that he may well have in this province some reluctance to say to the feds, "You appoint these people in the unified family court." I appreciate and I understand his argument that the general public associates family problems or the family court with the provincial court, family division more than with the county court or with the Supreme Court.

That is the court, really, which deals with the everyday problems and the highest number of citizens participate in the process at that level. I'm in full support of the Attorney General wanting to keep that jurisdiction for the province.

It's difficult for me—it's really difficult for anyone who tries to explain it to the public—to say, "We've got to start with an experiment like this." It's ironic. The federal government says it is in favour of this; the province says it is in favour; everybody I talk to says he is in favour of this, yet we're starting off with an experiment.

The reason is there is a problem over who's going to appoint these people to the unified family court. The federal people say it should be them; and the province says it should be us. I've already said I support the Attorney General about his stand. It's hard for me to understand the federal people on this, I realize in everyday politics it's important to have that right or that privilege to say, "You're a judge, and you're a judge, and we appoint these people." That is something which, I suppose, is important to a government in power or to a party in power or whatever. But to the everyday person, again, it's not. He says, "What's this jurisdictional argument? Who cares? If the fellow is competent, who cares who appoints him, whether it's the province or the federal government?"

I would hope that we would see both jurisdictions—

Mr. Renwick: I care.

Mr. Roy: My colleague from Riverdale says, "I care." This might make a nice philosophical argument—

Mr. Renwick: It's not philosophical.

Mr. Roy: Really, the lay person on the street doesn't particularly care who appoints the individual as long as he's competent and does the job. It seems to me that should be the first criteria.

Mr. Renwick: That is what your party has done to the constitution of the country; it doesn't matter.

Mr. Roy: I appreciate that it's not quite that simple; there is some merit in appointments being made at different levels. I would hope that there would be some agreement over a period of time and the federal government will realize that these people functioning in that court should be appointed by the province.

The other thing in all of this is that there is a feeling as well that the people appointed by the province—whether we're talking about the criminal division or the provincial division—were inferior to those appointed at the county court level; and that the county court people appointed by the federal government are inferior to the Supreme Court level people. It used to be that way; I think there is very little doubt, as one who has practised in the courts, that there was a division. The brighter, more competent people usually ended up at a superior level.

The fact remains there's been a tremendous improvement in the calibre of appointments. One of the reasons, of course, is that the salary, the remuneration, for people at the provincial level has changed drastically. I can recall it was just a few years ago that provincial judges were paid $9,000, $10,000 or $12,000 a year, whereas their confreres at a higher level—county or even Supreme Court—were sometimes paid three and four times that amount.

So I think there has been that improvement and that has helped to draw in more competent people at the provincial level. But I think that as the gap between these three levels of the courts narrows—it really has—we will reach a point where the appointments whether they are at the unified family court level or the Supreme Court level, are appointments of individuals of equal talent; and whether the individuals end up in one court or the other will depend very often on the type of background they've got or on a particular desire to serve in one court as opposed to another.

But I do say, and I want to emphasize it again, I think it is important that this problem be resolved. And I really have some difficulty in understanding the intransigence of the federal government in not being more flexible in this area.

Having said this about the competence of judges and the feeling that certain judges at a superior level feel that they are more competent than others, it leads me to another point in the legislation which is of concern—and I have discussed it with the Attorney General—and that is section 5. I discussed this matter with the Attorney General and as I understand it section 5(1) will be stricken from the bill.

I found it to be offensive to some degree to the new unified family court where you had a situation where you could, in fact, go to a Supreme Court judge and say to him that "this matter involves important questions of law or related to other important issues which are extremely wide," and you could say to him, "I think that this matter should be taken away from a unified family court and should be heard in the Supreme Court."

I frankly thought it was a definition which was, first of all, somewhat offensive to the new unified family court; and secondly, much too wide. It could be used, for instance, by litigants who had sufficient funds to stall proceedings. Who would it benefit, again? It would be the litigant who has sufficient funds to bring on this type of motion.

And so I am pleased—and I take it that it is still his policy—that the Attorney General will remove this section from the bill; because I think if we are going to start an experiment, let's see if it works, let's not start off an experiment by saying right away, when we get into important issues: "Take it away from the unified court and take it to another forum."

I think that section should be removed and I am anxious to hear the Attorney General in fact, confirm that it will be. I really feel that there are appeal procedures. In fact, one of the appeal procedures, if that was the mood of the drafters of the bill, was that if there are important questions of law they could have a sort of stated case type of approach to it; if they weren't satisfied with a decision they could have taken a stated case as we do on summary conviction. But the present drafting of section 5(1) I think is not adequate.

I like what is mentioned in section 5(3)—that the parties can, for all intents and purposes, consent that the court may determine certain matters which may well exceed the jurisdiction of the court—these are all matters which simplify things and which are much needed in the administration of justice in this province.

Apart from some of these brief comments, the other thing I wanted to mention about the bill is, of course, that this type of court will be operating without a jury. All issues and matters as referred to in the schedule in the region of Hamilton-Wentworth—all matters under, for instance, The Divorce Act, The Juvenile Delinquency Act, reciprocal enforcement of maintenance orders; all this—by and large family matters—are dealt with without a jury. That is why it is important to have qualified people on that court. Because in most matters, whether it be criminal or civil, there is still this right to jury, but it is a known fact that in family law, by and large, we try to stay away from jury trials. Having said this, not having the right to have a jury decide the issues it's then important, of course to have competent judges looking at these issues; and further that these judges have access to experts or to people who have some experience, not only in the field of law but in the field of social services, psychiatry and so on, to be of assistance to them.

Apart from these very brief comments my only concern—and I think I've mentioned it to the Attorney General—is section 24 where it says "it shall be repealed in three years." I would have been more optimistic than that. I would have hoped that this experiment did not have to go three years, but that, in fact, we would be in a position to judge the effectiveness of this experiment in a much sooner period of time than three years. I would hope that the problems about the appointment of judges would have been resolved in a more expedient period than three years and I'm still optimistic about that.

The administration of justice requires an awful lot of co-operation between the province and the federal government, and that's in all fields. For instance, even in the field of family law, The Divorce Act is a federal statute but the administration of it is going to be provincial under this legislation. So that by and large in our laws, criminal and so on, where the federal government is, in fact, passing the laws and the province is in charge of the administration and the enforcement of these laws, it requires very close co-operation. I would hope that it will not take three years before the federal government and the province resolve some of the disagreements or some of the difficulties and have once and for all in this province a uni-

fied family court right across the whole province. Thank you Mr. Speaker.

Mr. Deputy Speaker: Does any other member wish to participate? The hon. member for Beaches-Woodbine.

Ms. Bryden: Thank you, Mr. Speaker. We are certainly strongly in support of this bill, as my colleague has indicated. In my comments on the family law reform bill, I stressed that we needed more programmes to build up the institution of marriage itself, instead of just providing for the division of property and the rights of the spouses on marriage breakdown.

Many of us in this party felt that the thrust of that bill was rather too negative and that the government should be developing policies to help spouses and families to solve their problems and to strengthen their marriage, and we feel that this legislation is one step in this direction.

In that previous debate I also expressed considerable concern about the emphasis on the use of court procedures and the adversary system in the implementation of family law reform. Litigation over property and assets can be very divisive and make reconciliation attempts more difficult. We hope that the unified family court will get away from the adversary approach. For this reason we welcome any attempt to humanize our court procedures. The concept of the unified family court seems to be a move in the right direction.

Mr. Deputy Speaker: Will that gaggle of members down at the far end of the chamber keep their voices down please?

Ms. Bryden: We are glad that it was finally possible to work out the jurisdictional problems with the federal government; although they are not entirely worked out, as the preceding speakers have indicated. We hope it will be possible to bring together the various kinds of actions and procedures so that family problems will not be treated in isolated boxes but looked at as a whole.

We hope the province will not wait for the full three-year period which has been announced for this pilot project in Hamilton-Wentworth before it makes an evaluation and decides whether to proceed with the unified family court in other areas of the province. It seems to me it would be very unfortunate if the residents of this province outside of Hamilton and that area have to continue with the divisive atmosphere of adversary litigation in family matters in the regular courts for several years to come.

[3:45]

With regard to costs, we don't know how much extra the unified family court will require until we see the estimates. I would hope that some false notion of restraint does not inhibit the establishment of further unified family courts. I am sure that if one studies the effect of their actions, in the long run we will find that a unified family court will actually bring us savings of both an economic and a social nature, in the costs which result from family breakdowns.

It is false economy to delay the establishment of machinery and of systems which will play what we hope is a preventive role and which will, in some ways, build up rather than foster the breakdown of marriages. We support this attempt to modernize and humanize our judicial system.

Mr. Deputy Speaker: Does any other member wish to participate? The hon. member for Wentworth.

Mr. Deans: Thank you, Mr. Speaker. I have very little to say after hearing both my colleagues; one analysed the bill very nicely, the other set out—

Interjection.

Mr. Deans: Is that a nervous twitch? The other put before us the more human aspects of marriage breakdown.

I want to say that what was said by my colleague for Beaches-Woodbine is something that many people, I am sure, in the Legislature share concern over—that is trying to make the institution of marriage more manageable rather than continuing with the deterioration that has been evident over the last number of years. I think in general that we in the Hamilton-Wentworth area are pleased that the area was chosen for the pilot project, given that we hope it isn't because we have a larger number of marriage breakdowns in that area but rather because we represent, in a general sort of a way, what the province of Ontario is facing as the people attempt to find solutions to very difficult problems.

The comments I have heard with regard to the unified court range all the way from —I think to some extent they are born out of frustration because many of the comments have been made by people who have been through or are in the process of going through the existing court structure in an effort to resolve a marital dispute—they range all the way from a cautious optimism on the one hand to an understandable scepticism on the other.

People are cautiously optimistic that this will bring about a much more humane way of dealing with problems which are very personal in nature. It will avoid, hopefully, the continuous and long drawn out process which causes a great deal of hardship to both parties in the dispute and not only to them but to their families. It causes a great deal of upset and worry to the parties involved and for the children there are even more problems and more concern.

I think it's unfortunate that people in a marriage breakdown are required to air their differences in public at all. I really do. Again, we get to the problem that it's unfortunate we can't agree to disagree and go our separate ways, having the matter dealt with in a much more realistic and sensitive way. However, the law being as it now is and the adversary system—which will be maintained even in the unified family court—continuing as it has, one can only hope that the very atmosphere of the family court itself will be cause for a more balanced approach to the resolution of their disputes.

One can hope the years of experience which have gone into the family court and the way in which it has dealt with problems which came before it will prove to be a good catalyst for the finding of ways, wherever possible, for people to go their separate ways without the degree of animosity, distrust and hatred which has been revealed. I think it was there in any event, but I think the court system's delays which were encountered in trying to finalize property separations and other matters, added substantially to the frustrations felt by people. Once they had made the initial break, once they had decided that their lives could no longer be lived together they then found that the courts frustrated their attempts to make the separation. They were dragged, month after month and in some cases year after year, through a number of processes and through different courts in order to find satisfactory resolutions to their difficulties.

I am pleased that the federal government finally has agreed with the provincial government to arrange that the jurisdiction can be shared in this preliminary way. I am hoping, as I believe the member for Ottawa East said, that we will be able to see very clearly, well before the three-year period is up, the benefits that will flow will be evident in the ease with which these matters—"ease" is the wrong word, in fact; I think the delicacy or the concern with which matters can be dealt with in a family court rather than in the courts in which these were previously dealt with.

I hope too that the end result of it will be that we will see this particular policy adopted across the province of Ontario and beyond, and the federal government will take the initiative to institute elsewhere, on the basis of this model, a court system that will perhaps begin to deal with the human and emotional problems that flow from what are very personal matters, rather than simply dealing in a very legalistic way with the entitlements without giving adequate and due consideration to the concerns and the general well-being, emotionally and physically, of the parties involved.

Mr. Deputy Speaker: Does any other member wish to participate? If not, the hon. minister.

Hon. Mr. McMurtry: Mr. Speaker, I am very pleased to have the benefit of the wisdom of my colleagues in the Legislature. I am always pleased to receive constitutional advice from the member for Riverdale; and although I am always pleased to receive it, of course it doesn't mean that I necessarily agree with it.

The member for Riverdale referred, I think, to the adoption reference before the Supreme Court of Canada. I would just like to comment briefly on this constitutional dilemma, particularly as it was alleged that the province of Ontario was allowing the federal government to further infringe upon the position of the province in relation to provincial rights under the constitution.

I should point out to the member for Riverdale that there is absolutely nothing we can do by provincial legislation, of course, to give property jurisdiction or divorce to our courts or to this unified family court. I think all members would agree that these matters are fundamental to a truly unified family court. It is true, while the province may have legislative jurisdiction over property, we still can do nothing to assign these subjects for adjudication to our provincial courts. That, of course, was the dilemma with which we were faced.

We have not capitulated to the federal government, and I must take strong issue with any suggestion to that effect. We could have gone on for a considerable period of time debating the constitutional issue and who has the appointing power. It certainly was hoped that the federal government would agree to dual appointments, and we feel this would have been constitutionally valid. In the interests of proceeding with this very important project, we agreed simply to a compromise, a very reasonable compromise,

whereby the federal government would confer section 96 jurisdiction on members of the provincial judiciary. In our view, this was a very reasonable solution to a problem and a controversy that could have delayed the initiation of this project for many months. In British Columbia, in that great social democratic haven as it once was—

Mr. Deans: It still is.

Hon. Mr. McMurtry: —they chose to solve the constitutional issue by what I must refer to, with respect, as a very Mickey Mouse approach. They decided they would solve this constitutional issue by establishing a so-called unified family court, which involved sort of an elaborate game of musical chairs. They'd have a provincially appointed judge dealing with certain matters of the same family dispute but when it fell within section 96 of the constitution, they'd move in a federally appointed judge. They had, I think, the rather impractical situation of judges sort of playing this game of musical chairs in order to apply the necessary jurisdiction to the various issues which might arise in one family dispute. It was a Mickey Mouse approach from what some might say, rather unkindly, was a Mickey Mouse government.

Mr. Roy: Not the NDP.

Hon. Mr. McMurtry: The people recognized this fact and, of course, in its wisdom the population replaced the government. Unfortunately, the Mickey Mouse project remained and, in our view this simply is not in the interest of the population, of the citizens, in relation to a truly unified family court.

Mr. Deans: You're basically a nasty fellow.

Hon. Mr. McMurtry: Not at all. We have worked out a very rational compromise and I hope it will not be long before the federal government, if I may paraphrase the member for Ottawa East, will perhaps reassess its position and recognize the wisdom of cooperating fully with the province in extending this very important project across the province. I hope the three-year period we have given this pilot project will be an outside figure and we may be able to move across the province at an earlier time.

I was interested in hearing the views—I think the very important views—of the member for Beaches-Woodbine in respect to the desirability, with which I fully agree, of removing the adversarial character from the family courts wherever possible. I would like to say to the member for Beaches-Woodbine that one of the very important features of this project is a conciliation service which will be a part of the court. It's planned that we're going to have two full-time conciliators on staff who will be available to assist in all civil cases. There will also be pre-trial procedures on a voluntary basis which, again hopefully, will have the effect of removing the adversarial character wherever possible and wherever it is in the interest of the parties and, of course, in the interest of justice to do so.

There can be no question that Hamilton-Wentworth as suggested, is economically, certainly, a typical cross-section of the Ontario population. It represents, I think, a useful mix of urban and rural areas with a very large industrial city at its centre. We believe, as has been recognized, that it is indeed a good setting for the development of a court which, hopefully, will be expanded in the near future across the rest of the province.

I'm also pleased to note that the bar, the practising lawyers, in Hamilton have expressed support for this project and have indicated their desire and willingness to utilize the project and its support services.

[4:00]

Again, coming back to the remarks of the member for Ottawa East, I was very interested in and receptive to his comments in relation to section 5 of the bill which, as presently drafted, would allow any party to the proceedings to apply to the Supreme Court, where in that party's view the issues involved important questions of law or were related to other important issues, to remove the proceedings from the unified family court.

I did agree with the member for Ottawa East that this, firstly, could serve to undermine the stature of this unified family court and, secondly, could be a tool to be used by one or other party—perhaps the party that was in a better economic position—to delay proceedings by attempting to move matters out of the unified family court into the Supreme Court. Therefore, I have responded to his concerns, which on reflection became my concerns, and we do intend to propose an amendment to remove subsections 1 and 2 of section 5 from the bill.

In conclusion, I am grateful for the general support by the members of the Legislature for this important legislation with respect to this pilot or developmental project, because I agree it is a very important step forward in terms of reforming our whole approach to family law, both from the actual statutory law on the one hand and, on the other hand,

the form that is going to be utilized to resolve these unhappy matters.

Motion agreed to.

Ordered for committee of the whole House.

JUDICATURE AMENDMENT ACT

Hon. Mr. McMurtry moved second reading of Bill 190, An Act to amend The Judicature Act.

Mr. Roy: Mr. Speaker, I don't think the discussion on this bill will be very long. As the Attorney General has explained, we are losing one Supreme Court judge, who is going on the commission to look at the Reed Paper matter, and this bill will allow the appointment of one further Supreme Court judge.

I think all members, including the Attorney General, will join with me in saying that I trust the person who is appointed to replace Mr. Justice Patrick Hartt will be of equal calibre, because he is a man whose stature will not only be seen on this Reed Paper inquiry, but whose absence from the Supreme Court will be missed. If we can do nothing else, we simply wish the Attorney General of Canada, who actually is going to be making this appointment, will make an appointment of a stature equal to that of Mr. Justice Patrick Hartt.

If I might speak on one thing that is completely out of order to this bill, I would again plead with the Attorney General that one thing I would like to see amended in The Judicature Act is the interest rate on judgements; it is absolutely ludicrous and I would have liked to have seen it changed in this bill.

Mr. Renwick: Mr. Speaker, we support the principle of the bill. I would like to ask the Attorney General, since this is not a money bill—the government of Canada pays their salaries and, therefore, it would be quite appropriate even for us to introduce it—whether he might consider raising the number from 36 to 40. I was thinking that perhaps the threesome on the front bench of the Liberal Party might be glad to vacate their seats. I was thinking of the member for Wilseon Heights, the member for Sarnia and—

Mr. Ruston: How about you?

Mr. Renwick: —perhaps the member who has just spoken on this bill.

Mr. Roy: I don't even have my QC yet.

Mr. Renwick: It would be another first for the member for Ottawa East.

Mr. Ruston: Pay for the telegram, Jim, and we will recommend you.

Mr. Renwick: I wonder whether the Attorney General would put the bill into committee of the whole House so that we could increase the number from 36 to 40 and add a conditional clause: provided those three members were appointed by their party to the court. We could have three by-elections, the business of the House would be expedited and it would be a useful test as to the result of the next election.

Mr. Roy: Not at all.

Mr. Renwick: So I urgently request consideration by the Attorney General of that suggestion. Otherwise, we're in agreement with the bill.

Mr. Roy: Can I get up on a point of privilege seeing that I have been somewhat maligned?

Mr. Moffatt: We will put you in first place instead of fifth.

Mr. Roy: As much as these three appointments would enhance the Supreme Court of Ontario, I think the total void caused by the appointments in this House could not be tolerated or accepted.

Mr. Speaker: In the Christmas spirit, I'll not scold the hon. member.

Mr. Renwick: Mr. Speaker, on a point of order, I have just been whispered to by a friend who would like to make it 41.

Hon. Mr. McMurtry: Just to respond to the very worthwhile suggestion from the member for Riverdale, it is something I certainly will take under advisement. I'd like to reflect upon it over the winter and perhaps it might be an appropriate amendment in the spring.

Motion agreed to.

Ordered for third reading.

THIRD READING

The following bill was given third reading on motion:

Bill 190, An Act to amend The Judicature Act.

UNIFIED FAMILY COURT ACT

House in committee on Bill 189, An Act to establish the Unified Family Court.

Sections 1 to 4, inclusive, agreed to.

On section 5:

Mr. Chairman: Hon. Mr. McMurtry moves that section 5(1) and (2) of the bill be deleted and further moves that section 5(3) be amended by striking out the word "a" before "judge" in the sixth line and inserting in lieu thereof "the."

Mr. Renwick: I would say we would support the amendment and the proposal that was made a few moments ago by the member for Ottawa East in connection with that matter for the reasons which he gave. I would assume that during the operation of the unified family court in Hamilton-Wentworth if there are such matters and if it were important that the jurisdiction not be exercised by the unified family court, they would come up in such a way that there would be some method by which a superior court could intervene in any event.

Rather than to invite applications to the Supreme Court on such questions we agree with the deletion of the provision and the amendment proposed by the Attorney General which reflects the proposal made by the member for Ottawa East.

Mr. Roy: I appreciate the comment from my colleague from Riverdale. I say to the Attorney General I think we discussed this matter yesterday and I appreciate his astuteness, I suppose I should say, in having verified this with the officials and realizing that in the process of an experiment we should not start by second-guessing the unified family court. I think what we're seeing here basically is, again, a process of consultation and co-operation among the three parties here in acquiescing to an amendment which we feel will make a better experiment and make a better bill.

Motion agreed to.

Section 5, as amended, agreed to.

Sections 6 to 8, inclusive, agreed to.

On section 9:

Mr. Renwick: This is not by way of any criticism of the proceedings, simply to ask the Attorney General to comment about the closed hearings. I recognize the conflicting balance of interests which are involved as well as anyone does in such matters as this, but I think it is important that the Attorney General comment about it because of the departure from the tradition of the courts that the courts be held openly.

It's my understanding at the present time that only the provincial courts, family division, dealing with respect to juvenile matters, in fact are closed. I may be wrong in that but I know they are closed for that purpose, whereas this provision provides for closed hearings for, for all practical purposes, all cases that come before that court. Therefore, it does seem to me that it requires some comment.

I can't concede there would be very many cases before the unified family court which would not involve the possibility of the disclosure of intimate financial or personal matters and that, therefore, what we are really talking about is a closed court.

Hon. Mr. McMurtry: I might point out to the member for Riverdale—and he may be quite aware of this fact—that there is a similar section in The Destered Wives' and Children's Maintenance Act. It's also our view that a court does have an inherent jurisdiction in relation to closed proceedings. This matter's been the subject of a great deal of judicial comment because basically or fundamentally a court does have control over its own proceedings. I think The Judicature Act allows closed hearings in the interests of public morals, which is rather an interesting phrase, and, as the member for Riverdale points out, the juvenile hearings are required to be closed under The Juvenile Delinquents Act.

We felt it was desirable, notwithstanding the inherent jurisdiction, to put a specific section in the bill, because I think the recognition by every judge of the desirability of holding judicial hearings in public is fundamental. We've attempted to direct their attention to this fundamental fact, although we don't express it in so many words, by stating "where . . . the desirability of protecting against the consequences of public disclosure of intimate financial or personal matters outweighs the desirability of holding the hearing in public.

I'm confident that our judges do recognize the wisdom and the fundamental importance of wherever possible in the majority of cases, except for cases involving juveniles, of holding hearings in public and that they will interpret this section in a responsible fasbion and only close the proceedings where the desirability of holding the hearing in public is clearly outweighed by these other considerations. I would hope this section would not be used by the judiciary to virtually treat this court as a closed court.

[4:15]

Mr. Roy: I think I should make a few comments on that. I'd underline that section as well about exclusion of the public and I share the concerns of my colleagues on the exclusion of the public. As you know, our

courts in Ontario, by and large, with few exceptions, are open courts and we want to keep it that way. I realize that when we're dealing with family problems we need a section like this. The reason I feel I'm prepared to go along with the section is that this is an experiment and hopefully we will not see this section used—or abused, I should say—by the judiciary.

Nevertheless, one always has to comment when there is that inherent power given to the court to exclude the public from the proceedings. As an aside, recently a Supreme Court judge, I think, determined the question of the sanity or insanity of a particular accused in one of the criminal courts from which the public was excluded and we saw the public outcry. The Globe and Mail had an editorial about it, the determination of certain issues or a very serious crime in which the full determination was made with the exclusion of the public.

I want to say to the Attorney General, this being an aside, that I discussed with him in the estimates the inherent power of judges to exclude the public, I was told, I think, at that time by your officials and by you that a judge had no inherent power—either inherent power or under the Criminal Code—to exclude the public from a criminal proceeding. I thought there was and apparently Judge Sam Hughes—I think it was—in that case also did. It would be interesting to note under what section he made his decision to exclude the public.

Anyway, I make these comments to express my concern as well about the right to exclude the public.

Section 9 agreed to.

On section 10:

Mr. Roy: I must admit that I am trying to understand the reason for this section in the bill. As I read the bill, under section 5, subsection 3—in the new bill, I take it, it will be just section 5 because subsections 1 and 2 have been excluded from the bill—there is a provision that with the consent of the parties, you can hear certain matters that are not within the jurisdiction of the court. Then we go to section 10 which states, "Where a proceeding has commenced in the court in a matter respecting which jurisdiction may not be exercised by the court, the court may order by or to whom the cost of the proceeding shall be paid."

What is the necessity of this section? I have always understood that under The Judicature Act there is inherent jurisdiction on the question of costs in the court. I see the Attorney General shaking his head. Maybe he can correct me on this. I always thought that by and large the question of costs was something that was always inherent in the court; that this was a discretion to be exercised by the presiding judge. That was the first thing—why is it necessary to have this section?

The second thing is—aren't we being somewhat contradictory. On the one hand we encourage parties to get along and to consent to the jurisdiction, all with the idea of making this unified family court work, trying to expedite the process, I suppose reducing the number of forms is really the reason for this unified family court. Yet we have another section which says if someone uses this forum for a question which is not within the jurisdiction of the court, the court shall determine the question of costs. I'm at a bit of a loss. I'd like some explanation from the Attorney General on the necessity for this section in this bill.

Hon. Mr. McMurtry: First of all, it is my understanding that there is no such inherent jurisdiction in a court to award costs unless the court is specifically authorized. The section is in there simply to provide relief to litigants who may be brought to that court for—well, he might have malicious motives or other motives that are not in the interests of justice. There is no inherent jurisdiction. Of course, we recognize that costs are always a matter of discretion for the judge, so the authority to award costs does not necessarily mean, as I am sure the member for Ottawa East fully appreciates, that there will be costs awarded.

It is our view that this court should have the authority to award costs in the appropriate case, where the court does not have jurisdiction. Otherwise it is open to individuals, particularly in matrimonial matters where there is generally bad feelings between the parties, to perhaps engage in some form of abuse of the process. We just want to ensure that the court does have jurisdiction to award costs where it clearly does not have jurisdiction, and again, assuming that that jurisdiction will be exercised responsibly and only where the circumstances clearly warrant the awarding of costs.

Mr. Roy: If I might just comment briefly, I must admit that on reading section 7, subsection 2, where it says a whole series of sections from The Judicature Act will be applicable, I had presumed that one of those sections was dealing with costs. I thought if there was some section in The Judicature Act which in fact gave the power to the

court on the question of costs that it would have been simpler just to include that section in section 7, subsection 2, rather than put in a section 10 which specifically talks about the awarding of costs should one be using the wrong form. That was my only reason for concern. I admit again that I have not read all of sections 27, 35, 38, 41, 80, 82 and 119 of The Judicature Act, but I had presumed that one of those sections was in fact dealing with costs.

Hon. Mr. McMurtry: Section 82 of The Judicature Act, which we have incorporated in this legislation, just simply states that the costs are within the discretion of the judge. It doesn't give the court jurisdiction to award costs. As I understand it, there is no section in The Judicature Act that can be incorporated or adopted in this Act that will give this unified family court the jurisdiction without section 10.

Section 10 agreed to.

Sections 11 to 14, inclusive, agreed to.

On section15:

Mr. Renwick: With your indulgence, my comment on section 15 is, while I think it's quite appropriate that this Act should so state, whether it doesn't require an amendment to The Criminal Code of Canada to include within the definition of "magistrate," under the Criminal Code and again under The Juvenile Delinquents Act of the federal government, an enlargement of the definition.

Rather than try to recall it by memory, I asked for and have just received Martin's Criminal Code, which states that a magistrate means a magistrate, a police magistrate, a stipendiary magistrate, a district magistrate, a provincial magistrate, a judge of the sessions of the peace, a recorder or any person having the power and authority of two or more justices of the peace. It includes with respect to the province of Ontario, and I'll skip the other provinces, a judge of the provincial court.

I think it's interesting that these judges are now county court judges for practical purposes. I would think, subject to what your law officers might advise, you should request an amendment to the Criminal Code to make certain that the definition of the term "magistrate" in the Code includes a judge of this unified family court, or you may find for juvenile court purposes as well as for the Criminal Code that it may not be apt.

If the chairman will give me a moment, I'll just have a look at The Juvenile Delinquents Act of Canada. It provides that a magistrate, with a couple of exceptions, means two or more justices of the peace and also a police magistrate, a stipendiary magistrate and any other person having the power or authority of two or more justices of the peace. I raise it only because it may be something that your law officers may want to look into. It would appear to me on first brush at least that it would require a correlative amendment to the Criminal Code and The Juvenile Delinquents Act of Canada.

Hon. Mr. McMurtry: I appreciate the hon. member's comments. This is a matter that has been considered by my senior law officers. The provision in section 15 also appears in The Provincial Courts Act. It's our view that the jurisdiction of the magistrate under the Criminal Code can be exercised by a unified family court judge without any amendment to the Criminal Code. I think parts 16 and 24 of the Code cover this matter. But it's a matter that I'm advised has been thought through by our senior law officers.

Mr. Renwick: I'm certainly not going to labour it. I just think that since the Code itself has the limited meaning given to it and specifically provides that a magistrate does include a judge of the provincial court, it may or may not be so here. I just raised it as a matter of curiosity that went through my mind.

Section 15 agreed to.

Section 16 agreed to.

On section 17:

Mr. Renwick: I can well understand the purposes of the conciliation service that may be established, maintained or operated as part of the court. I don't know just quite whether it is intended to extend the use of the detention and observation home as a method of settling marital discord problems as well. But I did think it might be a helpful innovation.

Section 17 agreed to.

Section 18 agreed to.

On section 19:

Mr. Roy: This might sound very mundane or I might be accused of acting like Gordon Sinclair in making comments on section 19. But once the judge has taken the oath of office, how do we address him now in that court? There are all sorts of titles. Do we call him "your worship," "your honour," "your lordship" or "your graciousness"? How

are we going to address the judge of the unified family court? I'm sure the members of the bar will be interested in this.

[4:30]

Mr. Breithaupt: Just call him David.

Mr. Roy: And secondly, who is going to pay him?

Mr. Nixon: Just don't call him.

Mr. Roy: Seeing that it's a provincial judge with powers under section 96 of the BNA Act, is it the feds that are going to pay him or are you going to pay him? Thirdly, how much is he going to be paid—important things, Mr. Chairman. Is he going to be paid under the provincial court scale or is he going to be paid under the county court scale or under the Supreme Court scale? These are all important things for us more mundane and lowly members of the bar.

Mr. Nixon: Let's see, Don Collins got $60,000 so we will start there.

Hon. Mr. McMurtry: First of all, these people are technically county court judges although they would be specifically sworn in as judges of this unified family court so, of course, they'd therefore be addressed as "your honour." As the member for Ottawa East knows, our provincial magistrates became provincial court judges a few years ago and became "your honours" in place of "your worships."

They will be paid at the county court level, because that's a requirement under the federal legislation. The federal government has suggested to us that we might pick up part of the salaries, but we felt that in view of the fact that it was an exercise of their appointing power, albeit at our request, that they should have the honour of paying the total salaries.

Mr. Roy: They?

Hon. Mr. McMurtry: The federal government.

Mr. Roy: Will be paying the salaries? Of these judges?

Hon. Mr. McMurtry: That's my understanding at the present time—yes, these judges will be paid at the county court level.

Section 19 agreed to.

Sections 20 to 23, inclusive, agreed to.

On section 24:

Mr. Renwick: I am just curious as to the self-destruct provision. Is it the intention that by that time this experiment will either have been a success or a failure? Or is it what I would hope it would be, that it's a three-year period for the court to be established, to understand its workings so that there would be across the province at that point in time a unified family court system?

Hon. Mr. McMurtry: The legislation is really framed as a developmental project, so it's our view there should be a time frame prescribed in the legislation—although the legislation I should hasten to add is also drafted so that it could substantially apply to a unified family court system across the province with very few changes. But in view of the fact it is a developmental project or pilot project, there is the view that there should be a time period.

We are hoping the project, as I indicated earlier, will have proved itself within the three-year period and it may be we can extend this project across the province before the end of three years. As to what happens at the end of three years if the appropriate parties aren't satisfied the project has totally proved itself or it has not proved itself, of course we will have to cross that bridge when we come to it.

It may be that the project may have to be extended, but I prefer to adopt the role of an optimist and suggest that within three years, in a period of time shorter than three years, the project will have proved itself to the point whereby it can be extended across the province.

Section 24 agreed to.

On section 25:

Mr. Renwick: What is the intention of the Attorney General with respect to the proclamation of the Act?

Hon. Mr. McMurtry: I perhaps may have to consult further with my senior law officers, but I would hope the Act would be proclaimed at the beginning of the year.

Mr. Renwick: The beginning of the year?

Hon. Mr. McMurtry: Yes.

Mr. Renwick: I just have one minor comment on the schedule. I recognize I skipped it at the point in time where a reference was made to the schedule in the body of the Act, but I would hope in view of the tragic circumstances of the Norma Dean death that the Attorney General would, in consultation

with his other colleagues in the appropriate field, deal with that whole question of section 9 of The Training Schools Act which is one portion of the jurisdiction conferred on the unified family court.

I recognize, of course, that the other courts still have that jurisdiction. It does seem to me that when one recalls what the Provincial Secretary for Social Development (Mrs. Birch), your colleague, said yesterday, that the terms of reference for her study did not include section 9, I would hope that the Attorney General would interest himself in the applicability at this point in time in Ontario of having section 9 in The Training Schools Act at all.

Bill 189, as amended, reported.

Hon. Mr. Handleman: Mr. Chairman, I understand there is some question as to whether or not we may complete the legislative order paper this afternoon. There has been agreement to stack all votes on these bills and hold the vote tomorrow at 3 p.m. if there is no objection.

Mr. Deans: I have no objection to doing that.

Mr. Breithaupt: We will agree to that, Mr. Chairman.

FUNERAL SERVICES ACT

House in committee on Bill 171, The Funeral Services Act, 1976.

On section 2:

Mr. Wiseman: Section 2(a)—

Mr. Deans: On a point of order, I think my colleague probably has something ahead of that section, if you don't mind.

Mr. Moffatt: Mr. Chairman, I was—

Mr. Breithaupt: You are going to have to speak a little more loudly.

Mr. Moffatt: Mr. Chairman, I went to section 2 and you asked if there were comments ahead of mine. I would like this time to make a brief comment and then I have nothing before section 2. I did wish at this point to comment though—

Mr. Chairman: On what section?

Mr. Moffatt: On the general section; the bill.

Mr. Chairman: No, there is no general discussion. If you have a specific reference to a specific section of the bill you may do so as long as it is prior to section 2(2)(a).

Mr. Moffatt: Thank you Mr. Chairman. There is no provision for any kind of general discussion at this point?

Mr. Chairman: No.

Section 1 agreed to.

On section 2:

Mr. Bounsall: On section 2, subsection 1. The comment I would like to make on this is the name of the board being the board of funeral services. It is a very small point but once this is named I would assume that is the name of that board. If one is looking for it in a phone book in the city of Toronto, for example, where the board exists, it will be in the phone book as the Board of Funeral Services. Very few people will think to look for the Funeral Services Board, which it will be affectionately called, under B for board instead of under F for funeral services.

I put this to the parliamentary assistant. In terms of clarity and ease of finding the various boards and commissions we have around the province, it might be best—this would be an example of it—to call it the Funeral Services Board, so it is listed where most people would expect to find it in directories and in telephone books rather than under board.

Mr. Breithaupt: Perhaps Bell telephone can do something with that.

Mr. B. Newman: If I may, we can resolve the problem by listing it both ways in the telephone directory and in that way you won't have problems.

Mr. Good: For 40 years it has been listed in the telephone book as the board of administration—

Mr. Bounsall: It is very difficult to find.

Mr. Good: —and I am sure that people who wanted to know and wanted to get hold of the board would find out how to get it. If they have been able to get under Board of Administration I am sure it will be infinitely easier to find it under Board of Funeral Services than under Board of Administration.

Mr. Wiseman: Mr. Chairman, I agree with the member opposite, I believe the Bell Telephone company will look after it and, if need be, they can list it both ways.

Mr. Chairman: Mr. Wiseman moves that clause (a) of subsection 2 of section 2 of the

bill be amended by striking out the words "at least" in the first line.

Motion agreed to.

Mr. Moffatt: Mr. Chairman, I have an amendment to section 2(2).

Mr. Good: Mr. Chairman, on a point of order. Could I have your ruling? I also have an amendment to section 2(2)(b). I understand, according to advance copies of the amendments by the member who is presently speaking, that he had amendments to both clauses (a) and (b); they would, in effect, be affecting the same section I wish to amend later. Would you rule whether we will deal with both of his amendments first and then with mine or in some other way?

Mr. Chairman: What does your amendment deal with?

Mr. Good: Section 2(2)(b).

Mr. Chairman: What we should do first, then, is dispose of the first half of the amendment, dealing with section 2(2)(a) first.

Mr. Moffatt: What are you suggesting we do, Mr. Chairman? That we split that particular amendment?

Mr. Chairman: Yes.

Mr. Moffatt: Mr. Chairman, they're interrelated. The amendment I have sent you deals with section 2(2), clauses (a) and (b); they are dependent upon each other. If you take one away, then obviously you affect both of the amendments.

Mr. Breithaupt: Mr. Chairman, perhaps we could agree that when that amendment is put, my colleague from Waterloo North could put his amendment to section 2(2)(b) and the section will not have been deemed to have carried. The matter could be resolved that way.

Mr. Chairman: Does that have the agreement of the committee? Agreed.

Mr. Moffatt moves that section 2(2) of the bill be amended in clause (a) by deleting "five" int he first line and inserting in lieu thereof "two," and in clause (b) by deleting "two" in the first line and inserting in lieu thereof "five" and by adding at the end thereof "chosen from among persons nominated by the Consumers' Association of Canada."

Mr. Moffatt: Mr. Chairman, the reason for this amendment we feel is self-explanatory. There is one thing that we're concerned about with in terms of the way this Act is proceeding through this House, in addition to what, in my opinion, is the undue haste. We attempted, during second reading debate, to have it delayed so there could be a full and open discussion of the entire bill. But at this point, without having had that discussion, we feel it is mandatory that the House make provision for a number of people who are not members of the profession of funeral directors to be able to have input into the operation of this particular Act.

Whether one plays with a number and says two for five, three for five or whatever, I think makes very little difference. What is important is that this bill, rightly so, is attempting to put forward a control over that industry which, according to the people involved in the profession, they have requested and which they wish. What we are suggesting is that that particular kind of control and direction which is going to be given to the profession will be given, not only by those people who tend to profit from it but by those people in a greater sense who tend to be the customers of this particular profession.

[4:45]

What we are attempting to do is to make sure that there is adequate provision for the consuming public to have a position on such a board so that it will become responsive to the public at large.

What we feel should happen is that initially there should have been a much broader discussion. But if that discussion is not going to be held, then obviously we must accept to make sure that those points are noted by the government and by the third party.

Mr. Good: I think we have covered this point during second reading of the bill, but I think it is very important to have lay people on the board. It is a matter that has come into great prevalence in the last 10 years particularly, where the public is invited to join boards.

Mr. Chairman: A play on words, I take it.

Mr. Good: Right. The public is invited to be on these boards and contribute a great deal. Some people had been critical of the fact that the Board of Funeral Services will have on it licensed persons under the Act. Let me say again the necessity for this is simply in the fact that the work load of this board deals more with the technical matters of governing the conduct of the funeral home, the matters relating to examination,

setting of exams and marking of papers, and appearing on the advisory committee of the school which trains the embalmers who are hired under this Act. These matters take up a good portion of the time of that board.

We presently have a lay person on the board. I have spoken to her and she indicated to me that she finds her services are very limited because she feels her purpose there is primarily to deal with complaints by the public. Most of the complaints we hear are generalized complaints by the members of the Memorial Society who up to now have seen fit only to lodge one formal complaint in the last 15 years against a funeral director with the board. That tells me that the board is doing a good job of policing the funeral homes across this province.

If someone has an indication that the board is not doing a good job, let him go and tell the board. Under this new statute, there will even be provision for an appeal to a review committee of any complaint, if they feel the board has not dealt with it properly, made up completely of members of the public. I don't know what could be fairer than that. I have spoken to board members and I have spoken to the registrar and also the lay person on the board, and the work load on that board would be intolerable if there were only two funeral directors on it. We cannot support a five to two split, the opposite of what it is now. I will give reasons later why we would support my amendment which would add one more lay person.

I want to add one other thing. Making it mandatory that representatives of the Consumers' Association of Canada be put on this board, I think defeats the whole idea of having the public represented on this board. When you get a special interest group represented on a board, you might as well say there should be one from labour, there should be one plumber, one electrician, one from here, and one from another association, a lawyer and all the rest of it.

Mr. Deans: It makes a lot of sense.

Mr. Good: Really there are a lot of good people in this province who choose not to belong to any kind of association, with all due respect to the Consumers' Association of Canada. I just feel that this amendment would completely destroy the whole principle of the bill and we will not support it.

Mr. Drea: I have some very fundamental concerns about exactly why there is so much attention directed to the board of funeral directors. The only reason this statute is before us is that there have been changes bringing in public and lay members to governing bodies of other professions in the health field. Frankly I don't think—in fact I'm sure—that had it not been for previous statutes covering the boards of medicine, pharmacy, nursing, dentistry, et cetera, this would not be before us at this time. It concerns me that the rationale for treating this profession differently to other professions within the ambit of the regulatory authority of the Ministry of Health is somehow the innuendo—and I emphasize innuendo—

Mr. Foulds: You would.

Mr. Drea: —that there is something that needs such an extraordinary reversal of government policy.

That concerns me a great deal and I'm opposed to this because I have had considerable experience in the consumer field. I have had considerable experience with the funeral industry.

Mr. Moffatt: Mr. Chairman, on a point of order.

Mr. Chairman: There's no point of order.

Mr. Moffatt: Mr. Chairman, may I state my reasons for my point of order?

Mr. Chairman: There's nothing out of order. You'll have an opportunity. There's a free flow of discussion in the committee and you'll have an opportunity when I recognize you next.

The hon. member for Scarborough Centre.

Mr. Drea: Mr. Chairman, I oppose this amendment. As I say, I've had considerable experience in the consumer area. This amendment is being put forward as a consumer or a customer amendment. For five years I conducted what was probably the largest and most successful complaint service anywhere on this continent.

Mr. Foulds: Is that in order?

Mr. Drea: When I was with the Toronto Telegram, in five years of Action Line complaints—250,000 of them from all across this province—there was not a single complaint against a funeral director, a funeral home or—

Mr. Makarchuk: They were all dead!

Mr. Drea: —indeed, any comments about the funeral industry, or the old board, or the board that we are replacing now.

In five years in active political life—in an area where there is an older population;

there is a nursing home population; there are funeral establishments—there has not been a single phone call.

Mr. Deans: Who's got a complaint, the patient?

Mr. Drea: What concerns me is why this extraordinary vendetta against a profession that seems to be meeting its responsibilities to serve the community, as well as the individual clientele, a profession that people are hard pressed to produce a single specific compaint about? I really think that to consider in depth an amendment such as this that would treat this profession and isolate it differently from everybody else under the regulatory authority of the Ministry of Health, the only conclusion I come to is that somewhere along the line there is a vendetta and that this type of amendment is a by-product of that vendetta, therefore I oppose it.

Mr. Deans: That's nonsense.

Mr. Foulds: A point of privilege, Mr. Chairman. I think the member is making allegations that are unfounded, that he cannot justify and he should not make them against the other members of the House.

Mr. Deans: I agree. He is attributing motives, that's what he's doing.

Mr. Breithaupt: He is responding to particular motives which you allege.

Mr. Chairman: What is your point of privilege, in particular?

Mr. Foulds: In particular, Mr. Chairman? All right: Vendetta and innuendo.

Mr. Chairman: They are not unparliamentary. The hon. member for Scarborough Centre can proceed.

Mr. Drea: I was finished, Mr. Chairman. unfortunately with the uproar I didn't hear your ruling on that.

Mr. Chairman: I didn't rule.

Mr. Drea: Oh, okay. I had concluded, Mr. Chairman.

Mr. Germa: I'd like to say a few words on this amendment and probably clarify some of the misunderstanding that seems to be prevalent in the House that this party is in some way zeroing in on the funeral directors. My own personal opinion is it goes much deeper than that.

When I'm talking and thinking about self-licensing and self-regulating bodies a chill runs up my spine, whether I'm talking about funeral directors, the legal society, the medical profession, or the architects or the dentists. So if it is a vendetta, Mr. Chairman, then it is not concentrated on this one particular group of self-licensed and privileged people who have the power to control and to contemplate their own navel, which is what I think we have here.

I think that is the objective behind the amendment. It is to bring in some people who can come in with an unbiased eye and ride herd on this profession. I would support any move in any other area of The Health Disciplines Act to accomplish the same effect —that a majority of people on the board would be lay people and the board wouldn't be overpowered by those people in the particular professions.

I don't think we have to wait until the Action Line of the Toronto Sun gets 5,000 complaints. We know the average citizen in Ontario doesn't even know he can lodge a complaint as far as the services he receives from a funeral home are concerned.

Mr. Breithaupt: We don't know that at all.

Hon. J. R. Smith: Don't underestimate them.

Mr. Germa: The average citizen doesn't know that. On top of that, at the point in time when a citizen is buying this service, he is in such a distraught state of mind that he is not going to be in the frame of mind to launch a complaint. He might be talking about the bill he received on account of burying his father and it would put him in a bad light in the community if he complained that he spent too much money to bury his father, which is where the complaint would come from.

Certainly the complaint isn't going to come from the person who has been buried, you must understand that. The person who is paying the bill is not of a mind to face the public recriminations which might pertain as a result of his complaining about the price he spent on his dear old father or his dear old mother.

I think the point the member for Scarborough Centre made—that he had not received any complaints—is totally invalid—

Mr. Drea: How many have you received?

Mr. Germa: —has no relevance and should be just stricken—I have had several.

Mr. Chairman: The hon. member for Scarborough Centre doesn't have the floor. He yielded.

Mr. Germa: I've had several complaints as a result of price. That is the main area of complaint directed toward funeral directors. It is the price and the way these people, by one means or another, escalate the price of a funeral.

You and I know about the Cadillac cars and all the paraphernalia which is sold when a funeral is being arranged. The state of mind of a person when he has to go through this process, the members of the family—you have to understand their emotional problem at the same time. They're completely victimized, I would say, at the present time as far as price is concerned.

Mr. Good: I don't even own a Cadillac.

Mr. Germa: They're afraid of public opinion and that they haven't done right by their parents. That is precisely why they have been getting away with the high cost of funeral homes. There must be some discontent. Memorial societies are blossoming all over the province. What's that all about, if there isn't discontent in the public mind? Memorial societies wouldn't be growing right across this continent.

You had to take steps a few years ago to kill the co-operative funeral home movement. There is a problem in this area and I think putting lay people on the board in majority would go a long way to resolving the problem.

Hon. J. R. Smith: It is a good idea.

Mr. Breithaupt: Unlike the member for Sudbury. I do not look upon all of these other organizations as plots.

Mr. Germa: You are part of them.

Mr. Breithaupt: I would suggest that if the member for Sudbury were correct, that people don't complain because they can't do anything about it, surely no one would complain about the weather because none of us can do anything about that. However, it so happens that we hear complaints about the weather every day.

Obviously, people know where they can go to complain, because they would have done so—

Mr. Foulds: What kind of logic is that?

Mr. Breithaupt: —and the comments made by the member for Scarborough Centre, with whom I do not always agree, I think, are rather cogent in this particular situation. If his experience in his Action Line column, which was successful for a number of years, was that out of 50,000 annual complaints or so—

Mr. Drea: A quarter of a million.

Mr. Breithaupt: Annually?

Mr. Drea: Over five years.

Mr. Breithaupt: Yes, over the five-year time—there were no complaints, I think it is a sign that those persons who might be concerned about this situation would have had opportunity and ability to deal with their complaints.

[5:00]

We have dealt in various other professions with the known and accepted view that lay representation, non-professional in that circumstance, should clearly be on the boards of the various professional groups. I suggest this has worked very well and in no instance has there ever been any suggestion that it would be done in majority. Surely the representation must be there and it is quite clear that more than one person obviously should be in that group.

We have had two suggested, and I understand that my colleague will make an amendment that will raise that number to three, which I hope may find acceptance by the ministry. A board of that size of eight persons I think would be quite satisfactory and surely I would oppose the amendment that has been made.

Mr. Chairman: The parliamentary assistant can get in any time. There's no pecking order. I'll recognize you any time you want to speak. You can speak more than once, if you wish.

Mr. Foulds: I would like to rise to support very strongly the amendment put forward by my colleague from Durham East. I think there is an important principle here and it may be very well that we are breaking new ground with this particular profession, but that profession is used to breaking ground on many occasions. I think there is no objection nor should there by any objection to there being a majority of lay members on the board.

The argument put forward that you need the professional expertise is neatly handled by section 3 of this bill which empowers that board to hire whatever staff, professional expertise or advice or executive body it needs. I see no reason why the consumers of this province should not be protected. The prin-

ciple is a very simple one and we in this party believe in consumer protection and the other two parties apparently believe in protection of the professional in their continued elite kind of position.

Mr. Ruston: How about your profession?

Mr. Moffatt: We don't think that that should be self-governing.

Mr. Foulds: No. Our party has never advocated the self-governing of the teaching profession.

Mr. Ruston: Now, now.

Mr. Foulds: We tell the teachers that straight, unlike some other parties in this House. May I point out that the teaching profession is not self-governing.

Mr. Breithaupt: That is about all you tell the teachers.

Mr. Chairman: Order, please. Would the member for Port Arthur address the Chair?

Mr. Foulds: It does not fall into the category of the professions that have been mentioned in this House earlier.

Interjections.

Mr. Foulds: I beg your pardon, Mr. Chairman. Did you have a comment?

Mr. Chairman: I asked the member for Port Arthur if he would address the Chair with his remarks.

Mr. Foulds: With great pleasure. In terms of consumer protection, I simply want to read into the record a number of letters that I have received since we passed the second reading of this bill that deal particularly with this clause and with the point of protection of the consumer.

A letter from Anna E. Jarrett is very brief and says:

"Dear Sir,

"Re Bill 171, The Funeral Services Act. This bill should be held up until adequate consumer representation is provided."

We are trying, if I may say as an aside, to provide that consumer protection.

Mr. Breithaupt: Does she say what adequate is?

Mr. Moffatt: We suggested this for months, how's that? You didn't support that idea.

Mr. Breithaupt: We certainly did.

Mr. Foulds: You did not. You voted against our hoist motion. You want to rush the bill through. Let it show in the record that the Liberal Party wishes to rush through section 2 and the rest of this bill so that the consumers of the province cannot be protected.

Mr. Drea: Chintzy, chintzy.

Mr. Foulds: Here is another letter: "Dear Jim Foulds:

"We want Bill 171, The Funeral Services Act, to be held up until adequate consumer representation is provided.

"Ernest Gaudreau,

"Kakabeka Falls, Ontario."

Mr. Breithaupt: That's two people.

Mr. Foulds: I have a letter from W. C. Ewing.

Mr. Wiseman: On a point of order, are we allowed to read all the letters that we receive, because I could bring over a bushel basket full?

Mr. Foulds: Please do.

Mr. Bounsall: Would you, please?

Mr. Foulds: Just to make this case, we would be delighted.

Mr. Wiseman: The other night we went through all this on second reading.

Mr. Foulds: —I would move the adjournment so that the parliamentary assistant can get his bushel of letters.

Mr. Wiseman: I don't see why we have to do it again in the committee.

Mr. Chairman: Order, please.

Ms. Gigantes: Go get your bushel.

Mr. Wiseman: We went through this the other night. We read those the other night.

Mr. Foulds: We will send a page out to get the bushel, if you wish.

Mr. Wiseman: You are reading them all over again.

Mr. Foulds: No, these are different ones. If you had paid attention you would know.

Mr. Breithaupt: We are up to three now.

Hon. J. R. Smith: May we have their addresses?

Mr. Foulds: Sure. This is from W. C. Ewing, 125 North McKellar Street, Thunder

Bay F, Ontario. He says: "I wish to protest most vehemently—"

Mr. Drea: This is a new one.

Mr. Foulds: I can't read the next words here in handwriting; ". . . to solicit your vote against the passage of the proposed bill relative to the handling of matters of having to do with death, et cetera. This proposed legislation is patently designed to give a monopoly to funeral directors and to take unfair advantage of the bereaved particularly if, as I understand it, it is made illegal for anyone but a funeral director to give advice. Also in the application of the Act the committee on regulations is heavily weighted in favour of business, being five to two in favour of the funeral directors. This most certainly should not be."

Mr. Good: No, that isn't true. That would put all of you out of business.

Mr. Acting Chairman: Order, please. I'm wondering if the information provided by the member really refers to the amendment before the committee here.

Mr. Foulds: Section 2; that's the funeral services board with the composition heavily weighted in favour of the funeral directors. Does that clarify the matter for you, Mr. Chairman?

Mr. Drea: No, it isn't.

Interjections.

Mr. Norton: What we need is a majority of Tories on the provincial governing body of the NDP.

Mr. Drea: I don't think so.

Mr. Foulds: To that particular point some of us in the party sometimes have the feeling that we've been infiltrated.

All right. If I may, another letter from Victor C. Smith and Sarah J. Smith: "We should like to protest the rapid passage of Bill 171 and urge you to delay second and third reading of the bill until all of its implications have been fully examined and discussed, preferably in a general public forum."

Mr. Ruston: A little order here.

Mr. Drea: You are not welcome.

Mr. Good: Order.

Mr. Breithaupt: Here is the fifth one.

Mr. Ruston: You are not speaking on the amendment.

Mr. Drea: Point of order, Mr. Chairman.

Mr. Acting Chairman: I'm sorry; as the previous chairman stated there's no such thing as a point of order. However, again I'd like to draw to the attention of—

Mr. Angus: We don't have the benefit of a funeral director in our caucus.

Mr. Breithaupt: Some of you could use it.

Mr. Acting Chairman: Order. I'd like to draw to the attention of the member for Port Arthur that I think he is straying considerably from the content of the amendment. I'd ask him to keep his remarks to the amendment.

Mr. Foulds: Mr. Chairman, with great respect, what we are dealing with is the major objection that has been filed with many members of this Legislature against the bill. The major objection is the lack of consumer representation on the board within the Act. Section 2, which we are speaking to, deals with the composition of that board. I say to you with great respect that is the point I am speaking to and it is the major point these letters I am reading speak to as well.

Mr. Drea: You must be clairvoyant if you can see it in the last one.

Mr. Foulds: I could see it in the last one if you'd give me time to complete the letter.

Mr. Acting Chairman: Does that complete your remarks?

Mr. Foulds: No, it certainly does not. I'm just responding to your point and I'd like you to take that under advisement. A letter from the Rev. Gordon Daly—

Hon. Mr. Handleman: What happened to the other one?

Mr. Norton: I hope you are going to send copies of Hansard to all of them.

Mr. Foulds: I hadn't thought of that. It's a very good idea. It really had never occurred to me.

Mr. Norton: Your motives are transparent.

Interjections.

Mr. Foulds: Unfortunately, in this bill so are those of your party.

Mr. Norton: Come off it now. We have a balanced view.

Interjections.

Mr. Acting Chairman: Order, please.

Mr. Eaton: Have you got one from your wife?

An hon. member: Who writes these speeches for you?

Mr. Foulds: Who writes your one-liners?

Mr. Acting Chairman: Order, please.

Mr. Cunningham: That is not in order.

Interjections.

Mr. Acting Chairman: Order, please. Would the member for Port Arthur continue?

Mr. Foulds: This is a letter from Rev. Gordon Daly, addressed to Mr. Davis; I seem to have got a copy of it.

Mr. Cunningham: What church is that?

Mr. Foulds: The United Church, as a matter of fact. "I am deeply concerned about the present legislation before the House, namely Bill 171, The Funeral Services Act, 1976. I am not opposed to funeral directors. They fulfil a necessary function in our society but I believe that no one has the right to require me to use a funeral director for the burial of a loved one"—

Mr. Ruston: That's not in order at all.

Mr. Foulds: Would you mind waiting until the man finishes his sentence, for crying out loud?

Interjections.

Mr. Foulds: Just because you can't finish a sentence, just understand that some people in this society can.

Mr. Drea: You're so dumb you can't find the—

Mr. Acting Speaker: Order, please.

Mr. Drea: You are some attribute to the teaching profession, I tell you.

Mr. Foulds: You are some attribute to the protection of consumers in this province, let me tell you.

Mr. Eaton: He sure is. That is why they elected him.

Mr. Mackenzie: That comment shows where the dumbness is.

An hon. member: Read it in Hansard, Frank.

Mr. Foulds: "I am not opposed to funeral directors. They fulfil a necessary function in our society. But I believe that no one has the right to require me to use a funeral director for the burial of a loved one if the person being buried and I both believe that the $500 paid can be used for such things as the development of the Third World."

Mr. Ruston: That's not this amendment; you are not speaking to the amendment at all.

Mr. Foulds: I want to point out to you that nothing in the amendment we are proposing is opposed to funeral directors. They still have representation on the board. I want to make that perfectly clear. What our amendment does is advocate those interests of the consumer.

Mr. Breithaupt: As you see them.

Mr. Foulds: And as the consumer sees them.

Mr. Breithaupt: Only some.

Mr. Norton: Talk to the memorial societies that I have talked to.

Mr. Angus: We wanted to give them time to talk to us, but you wouldn't allow that.

Mr. Foulds: Finally, a letter from Laura W. Stranges: "Honourable Sir:

"As a member of the Memorial Society of Thunder Bay, I have just been informed that the above-mentioned bill, Bill 171, will be coming up for second reading shortly. I have been given to understand that this bill is recommending a board composed of five funeral directors and two lay people, along with the further recommendation to prohibit any persons other than funeral directors from offering advice on funerals. I wish to make it known that I oppose the above recommendations very strongly."

Those are only a small selection of the letters that many of us have received. And I wish other members of the House had not harangued me so much simply for taking excerpts from five sample letters, because I think these people in the province have a legitimate case to make about the make-up of this board. I think our amendment meets that concern and we will be supporting that —I personally will be supporting that amendment—with every amount of legislative strength that we have. We wish that we could persuade one of the other two parties in this House also to take the interests of consumers to heart.

Mr. B. Newman: Mr. Chairman, the previous speaker assumes that under clause (b) the individuals appointed by the Lieutenant Governor in Council are not going to be consumers.

Mr. Foulds: No, we just want—

Mr. B. Newman: They are going to be consumers; the consumers definitely are going to have a say in there.

Mr. Eaton: Everybody will be a consumer some time.

Hon. J. R. Smith: We all die one day.

Mr. B. Newman: They may not necessarily be from the Consumers' Association, but they are still going to be consumers. In fact, some of the funeral directors who are involved may also be members of a consumers' association, but they are consumers.

Mr. Foulds: Funeral directors—

Mr. B. Newman: We are speaking to section 2(2)(a), Mr. Chairman. Like the other members who have spoken previous to me, I too have received telegrams concerning this bill. I received 50 telegrams, but only one opposed the passage of this bill—and that one was from the memorial society; the other 49 asked for the passage of the bill.

Mr. Davidson: Who sent you those?

Mr. Foulds: How many signatures?

Mr. Angus: What organizations do they represent?

Mr. B. Newman: I don't intend to read any of the telegrams I have received from consumers in my own constituency—

Mr. Breithaupt: How many did these represent?

Mr. B. Newman: —but you can see that not one of them has complained.

Mr. Cunningham: I think you are dead on this one.

Mr. B. Newman: The member for Scarborough Centre, having spent years on the Action Line column in the Toronto Telegram, is certainly speaking from experience. In my years as a member of the Legislature I have not received a single complaint from anyone concerning funeral services—

Mr. Foulds: How many multiple complaints?

Mr. B. Newman: —in the city of Windsor, the behaviour of any of the individuals who run the establishments or the prices they may have charged. Not a single individual has complained to me—and I have spent a few years in this House. I would suggest to my colleagues on the right that they reconsider their position—

[5:15]

Interjection.

Mr. B. Newman: —and when we amend the next subsection that they join with us so that the consumers they are interested in—and we are all interested in the consumers—will have that additional voice.

Mr. Foulds: Why don't you support us on this one and we will support you on yours?

Mr. Breithaupt: Because you are wrong and we are right.

Mr. Eaton: I want to rise in opposition to this amendment. I simply point out I can't understand how a party in this House in Ontario would come here demanding that the Consumers' Association of Canada be the ones to name the representatives when we have a consumers' association in Ontario. I cannot understand the reasoning on that at all.

Mr. Foulds: It's an affiliated body.

Mr. Eaton: I also want to point out the inconsistency of this party across the way saying it wants that kind of representation on it. I think it was the member for Sudbury who went through a whole gamut of things just two weeks ago in this House when they were on exactly the opposite side of the position, saying they wanted nine members of credit unions on the credit unions insurance association. There is complete inconsistency in your party and the kind of things you bring in here.

Mr. Angus: You might own the credit unions. You don't own the funeral homes.

Mr. Eaton: I think we should oppose this bill.

Mr. Norton: They sure like to ignore the consumer, too, when it comes to their own—

Mr. Davidson: We don't get the padding you do.

Mr. Acting Chairman: Order.

Mr. Bounsall: I want to go clearly on record as supporting our amendment to this bill. I say that as a representative from one

of the ridings in Windsor I have had people call me complaining about and very upset about the price they are being required to pay for funerals. They are not complaining about the treatment they have been given by an individual funeral director per se, but about the price they must pay to get even a fairly simple funeral.

They also complain about the difficulty they encounter in some instances in receiving information about the particular breakdown of services which might be available. In other cases there is surprise at the final bill which pertains when they thought they had understood something different. Unfortunately, in most cases it was an indication of thinking one thing when the actuality was something else.

I have had not too many letters on this but a succession of telegrams. I have some from funeral directors certainly supporting the quick passage of the bill. The intent of most of the telegrams I have had was that these persons, memorial societies and various consumer groups should have a chance for real input on this bill, and that legislators should have an opportunity to hear the real valid concerns which they have about funeral services in this province.

My particular thoughts on this section of the bill and the composition of the board most clearly point this up. The Funeral Services Act, this one and the forerunner of this Act, The Embalmers and Funeral Directors Act, have found their way into the wrong ministry. This really has nothing to do with health in this province and in no logical way does The Funeral Services Act or its predecessor rest at all well with the Health ministry.

Mr. Eaton: What has that got to do with the amendment?

Where Acts of this sort should be is in the Ministry of Consumer and Commercial Relations; any sort of ministry which deals with consumers' affairs.

Mr. Mackenzie: What's bothering you?

Mr. Bounsall: The bill coming through should be a consumer bill geared to the recognition of consumer rights and their protection in dealing with a very valid and necessary group of business persons in this province. It should be a bill which represents the consumers in this province. Therefore we feel very strongly that the board should be composed of a majority of consumers in this province. We are all, at one time in our lives, inevitably a consumer of a funeral service. None of us has achieved immortality yet.

Mr. Breithaupt: Not during our lifetime.

Mr. R. S. Smith: I hope not during my lifetime.

Mr. Bounsall: By consumer I mean someone who is concerned about consumer protection. A funeral director on a board regulating funeral directors is not, by definition, a valid consumer protector type person in that role. We certainly want these roles reversed. I can see no—

Mr. Norton: What about teachers on the board of the OSSTF?

Mr. Bounsall: It's not a self-governing body.

Mr. Foulds: They don't establish their own criteria.

Mr. Moffatt: He was a teacher at one time, too, and he knows.

Mr. Foulds: Certainly, and I still am.

Mr. Bounsall: As the member for Port Arthur and other members of our caucus are pointing out, teachers are not a self-governing body and they do not license themselves. This has not been a position supported by our party.

The problem with this bill, having come from the Ministry of Health, is that all they have done is create a bill similar to the other sections of The Health Disciplines Act, relating to the five other health disciplines they've set out. It simply is not a bill appropriate to deal with funeral directors in this province, in my opinion. We need a completely different kind of bill.

On that board it would be most appropriate that there be some funeral directors on the board. We proposed two and we're easy on whether there should be another one —three for that matter. If the parliamentary assistant wishes to come and say "Why two? Let's make it three," we're not necessarily wedded to two as long as the clear majority on that board are not funeral directors but people who will represent the consumer interest of the people in the province of Ontario.

It's been asked why did we put in the amendment naming the Consumers' Association of Canada? That is the official name of the major consumer group in Canada of which there is an Ontario division. The Ontario people are simply part of the larger group and it's from that Ontario division the consumers should be nominated for this particular position.

Mr. Acting Chairman: Does the parliamentary assistant wish to make some comments?

Mr. Wiseman: Yes. I'd just like to say to the member for Sudbury with regard to the comments he made that he should make those in writing to the registrar and let them check them out. I feel, even with the board the way it is now, those complaints could be looked after by the board and in a good manner.

A lot has been said on this amendment. We can't accept the amendment as presented by the member for Durham East. I feel that it's just not proper to figure on five lay people and two funeral directors. I believe if the hon. members who have talked this afternoon studied the bill they'll see that there is a lot of protection in there. As I mentioned, there are four committees in there and one lay person sits on two committees. The member for Waterloo North mentioned the percentages the other night and this is one of the highest percentages of lay people in the health disciplines.

I feel too that if they looked at the review committee they would see it's all made up of lay people. There are not less than three and not more than seven. Then there is the fact that both the review committee and the board make reports to the minister that will end up in the Legislature and be tabled. One is being presented by the board with the lay people on it; the other is being presented by all lay people. If there are some faults found in the bill later on, they'll be tabled here and surely we'll be able to correct them at a later date. We can't accept this amendment.

Mr. Acting Chairman: The member for Durham East gave the floor to the parliamentary assistant. The member for Durham East may continue.

Mr. Moffatt: In support of the amendment, what I think is happening here this afternoon is exactly the kind of thing that we are trying to avoid. If the member for Scarborough Centre is so convinced that this legislation is good, and it may well be, then why was the government so reluctant to see this legislation have real public input over a period of time, so that if there were difficulties, as there may have been, as alluded to by the parliamentary assistant, we could have corrected those situations? The people for whom my colleague from Sudbury was speaking would have had a chance to have input into this. There would have been general acceptance of the legislation across the province if it had been found worth supporting.

The problem is that you pushed the thing through. You brought it in on November 26. There is no comparison, let me tell the member for Middlesex, between this legislation and the credit unions legislation. The credit unions legislation affects only those people who are inside the credit unions; this affects the general public. If you don't know the difference you should have sat down.

Interjections.

Mr. Moffatt: What really disturbs me is that that kind of fatuous comment leads to the kind of confrontation that has one group —the people in memorial societies—out now battling with the people who are members of the profession of funeral directors. If the comment was not fatuous, Mr. Chairman, I withdraw that. It certainly sounded that way to me.

Mr. Foulds: It certainly was.

Mr. Moffatt: What does bother me is that all of a sudden a situation which could have been dealt with in an appropriate fashion and on which there could have been good co-operation, because of the precipitous manner in which this legislation is being dealt with we find this sort of confrontation where people are writing in opposing all of the bill because of a clause or two.

I ask you, Mr. Chairman, if that makes sense. In this day and age, why do we have to push legislation through in order that somebody will be able to say, "Hah, I've completed my work for another six weeks," or something? That doesn't make any sense at all.

I urge the members to support this amendment. If there is any real sense in this province of the public ever having some input into consumer affairs, this is one place we can start.

Mr. Ruston: Mr. Chairman, very briefly, there's been enough said with regard to this amendment. I want to go on record as being opposed to it, I don't think the bill has actually been rushed through as quickly as some bills have. This was November 26, and if I remember, I think today is about December 15. So that is about 20 days.

I just can't see the amendment as proposed by the member for Durham East in any way. I think that, sure, we want some people representing the general public on all these governing bodies, and that's the procedure we've been heading for for the last number of years. Our party has been very strong on that, that more members of the general public

be put on them to see that the public is represented. Goodness knows, we need more, when we see what is happening even in our own medical field, which we read about from the auditor's report and so forth, and in other organizations that have been in the past number of years—

Mr. Foulds: Ah, you are going to support us. Keep talking.

Mr. Ruston: —by themselves, but only in the last few years have had some public input into them. Certainly we need some public input, but we also have to have people on there who know what they are doing. So I want to go on record as being opposed to this amendment.

Mr. Wiseman: Mr. Chairman, I wasn't going to say anything more on this amendment, but I think the member for Durham East left the impression that there hadn't been input into this bill from the memorial societies and from other interested groups. I can tell him and go on the record that the minister has seen the memorial societies over the last year. This bill has been in a draft form since I went with the Ministry of Health over a year ago. It's been well discussed but it's changed very little since the original draft. I have seen a good many groups that have come in to see me and I've spoken to a good many on the phone. To stand up here and say there's been no input and that we rushed things through like this—It even goes back further than a year ago; I understand the talk about a new bill goes back even more years—

Mr. Good: Five years ago.

Mr. Wiseman: —four or five years. I think it is wrong for anybody to give the impression that people and the public haven't had input into this bill.

Mr. Kennedy: Mr. Chairman, I was just going to comment along the lines that the parliamentary assistant has, that this bill has been a long time in the making. There has been ample opportunity for input and discussion of it. For the member for Durham East to suggest that it was patched up on November 27 and rushed through the House—

Mr. Foulds: The 26th.

Mr. Kennedy: Okay; we are talking five years, so what's five days? It just isn't accurate and the House should be well aware of this.

[5:30]

The other thing is, the member for Durham East said that if there had been more time we wouldn't have had this rash of correspondence and telegrams in opposition to it. I just want it on the record that my communications from people have been just the opposite; the ratio of about one to 10 in favour is the way they came into my office in support of the bill as it stands.

Mr. Davidson: Where do they come from?

Mr. Kennedy: They said, "It's a good bill as it stands; it has been dealt with thoroughly over a long period of time; put it through." I reject the amendment.

Mr. Bounsall: I'd like to reply to the point which the parliamentary assistant, the member for Lanark, has just made. The fact that he joined the ministry a year ago and realized there was something in draft form does not mean that any of the consuming public saw any of those drafts or had any input on those drafts or any intimation of what that draft would be until after it was tabled in this House on November 26.

Mr. Eaton: He said they did. Why don't you listen?

Mr. Bounsall: Did I misunderstand the parliamentary assistant on that point?

Mr. Wiseman: I think you did. I think you only heard part. I said the minister met with the memorial societies, and he met with other interested groups, as did I. As well as that, I didn't mention it when I was on my feet before, but I mentioned it the other night, the chairman of the board of the funeral directors' association mentioned it at their annual meeting, which got good coverage, in November of this year. They also had regional meetings out in the area; I know the one in my own area was well publicized and well attended.

I feel sure that people knew, although there are some that don't avail themselves of this information; they don't go to annual meetings and this sort of thing. But there were good representations to the minister and good representations to me; it wasn't rushed right through as some members would have us believe.

Mr. Bounsall: Let me respond to that point. There was some contact with the ministry post-October 1973 by the memorial societies when they presented a proposal for legislative reforms. There have been some—there may have been a couple of short meetings—

Mr. Good: This has no bearing on the amendment.

Mr. Bounsall: —with various ministry officials at which there was no clear indication of the type and detail of what legislation was coming forward. When that legislation comes forward and you have it at hand, that is the time at which you look at the legislation and then have an opportunity to influence legislators. We're talking about the opportunity you have, with a piece of proposed government legislation actually in hand, to discuss that proposed legislation and to indicate where it is deficient.

Mr. Good: This has nothing to do with the amendment. It is all out of order.

Mr. Bounsall: That is what we are talking about, Mr. Chairman. On this point, may I point out to the parliamentary assistant that when the other health disciplines Acts were being discussed in this province, I believe 11 weeks was spent outside the House, in committee—11 weeks which dealt with five health disciplines Acts, which means slightly over two weeks in committee, with the public addressing it, for health discipline bills.

Here we have a bill on the funeral industry, related to the other health discipline bills, and we bring it in at a time when there will be absolutely no opportunity for any of the public to have any input in committee outside the House to this legislation. We're saying there is no need to rush this legislation. It doesn't matter whether we have it now or whether we have it next March or next May—

An hon. member: Order.

Mr. Bounsall: It could have been introduced in the next session to allow this bill to go to standing committee so that there could be a week or two, whatever it takes—I would suggest no more than a week would be necessary—for the public, the memorial societies and the various consumer groups to appear before the members of this Legislature and indicate what, in my opinion, are their very valid concerns as they have expressed them to me.

Mr. Chairman: I would like to point out to the committee that the last part of this discussion was certainly out of order in connection with the amendment. I heard a number of times the members of the committee calling for the question. If the member for Port Arthur wishes to continue on the amendment, I'll ask the member for Port Arthur to continue.

Mr. Foulds: I just have two very quick comments resulting from the parliamentary assistant's comments. He indicated that there had been consultation with a wide range of consumer groups, but he also indicated that the bill had changed very little in its draft form.

Mr. Good: It is out of order. It is not in the amendment at all.

Mr. Foulds: I have a specific question, if you wouldn't mind keeping your mouth shut for a minute. I have a specific question, if you don't mind.

Mr. B. Newman: It is out of order.

Mr. Foulds: How the hell do you know whether it's out of order or not until you've heard my question, you nitwit?

Interjections.

Mr. Foulds: The specific question that I would like to ask the parliamentary assistant is whether section 2(2) has been changed—

Mr. B. Newman: Mr. Chairman, on a point of personal privilege.

Mr. Chairman: Point of personal privilege.

POINT OF PRIVILEGE

Mr. B. Newman: Mr. Chairman, I don't consider the member who just called me a nitwit a nitwit at all, I think he's a gentleman.

Mr. Chairman: It is a point well taken.

Mr. Foulds: Mr. Chairman, on that point I withdraw that particular remark. I think I was only half right.

Mr. Wiseman: I hope the member doesn't use that language in school.

Mr. B. Newman: Mr. Chairman, on a point of personal privilege, I object to the remark the gentleman just made.

Mr. Chairman: I think it is unparliamentary.

Mr. Foulds: I will withdraw the remark, Mr. Chairman.

The specific question that I would like to ask the parliamentary assistant is whether this section, as it is presented in the bill, has changed in the draft form since the ministry has had it, and whether or not the ministry started out with a larger representation from the consumers and the representation by the

funeral directors was such that they had to increase the number of funeral directors on the board. I'd like a straight answer to that question, if he knows.

Mr. Chairman: Any further comment on the amendment by Mr. Moffatt to 2(2)?

Mr. Foulds: Is there any answer?

Mr. Chairman: He doesn't have to if he doesn't want to.

Mr. Foulds: I just want the record to show that there was no answer to that question.

Mr. Chairman: Are you ready for the question?

All those in favour of Mr. Moffatt's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

Vote stacked.

Mr. Chairman: It is my understanding that the hon. member for Waterloo North has an amendment.

Mr. Good: I have an amendment to section 2(2)(b).

Mr. Chairman: Mr. Good moves that section 2(2)(b) of the bill be amended by striking out the word "two" in the third line and substituting therefor the word "three."

Mr. Good: Briefly, there are two major points regarding this amendment. First of all, the inclusion of three persons not licensed under the Act on the board would mean that there is a larger percentage of non-licensed persons or representatives of the public on this particular board than on any other governing board of any other particular group in the province. There is severe criticism by the memorial societies of this particular section of the Act. And let's make no mistake about it, the NDP's arguments are all related to the wishes of the memorial societies in this province because they have not come up with specific complaints against individual funeral directors.

The addition of another lay person or a member of the public on the board would allow, in my view, a representative of the non-licensed persons on each of the major committees. There are four committees in the bill but I think the licensing committee, the complaints committee and the discipline committee are the three committees that would be best served by having individual and different representatives of the public on them. The Act says they must be different persons on the complaints committee and on the discipline committee, but by adding another public representative you could have a different person on the licence committee as well, which is a rather onerous load, I believe, on the licence committee.

I would ask the ministry to accept this amendment and, I hope, have the support of the NDP.

Mr. Wiseman: Mr. Chairman, perhaps it would help the other members if they realized that we would be prepared to accept that amendment.

Mr. Angus: Mr. Chairman, I would like to move an amendment to Mr. Good's amendment, if I may. I would like to move an amendment that would change the word "three" to the word "five."

Mr. Chairman: That, in effect, would have the same effect as the one that was just stacked.

Mr. Angus: No, Mr. Chairman. If I may, the one that was just stacked would reverse the numbers so that there would have been five consumers and two funeral directors. This amendment, if accepted or passed in this House, would make them five and five.

Mr. Chairman: That was the effect of the amendment by Mr. Moffatt.

Mr. Angus: No, Mr. Chairman, it was not. The amendment by Mr. Moffatt would provide for, in clause (a) two funeral directors, and in clause (b) five persons who are not licensees under this Act.

Mr. Chairman: I'll accept that amendment. Do you have it in writing?

Mr. Good: Can I speak to that one?

Mr. Chairman: It is not properly before the committee until—

Mr. Good: I think it is out of order, Mr. Chairman. We just ruled out an amendment which was going to put five members of the public on the board and now they are trying to introduce the same amendment again.

Mr. Foulds: Except that you passed the amendment that is the same.

Mr. Good: No, it isn't. Their first amendment that was stacked was going to put, under clause (b), five persons who are not licensed under the Act, and their amendment to my amendment would do exactly the same thing as the vote that is passed.

Mr. Foulds: No, it wouldn't.

Mr. Angus: Mr. Chairman, may I speak to that?

Mr. Chairman: Yes, you may.

Mr. Angus: I would just like to point out that the original premise in Mr. Moffatt's motion was to reverse the number of members to give the consumers a majority on that committee. This amendment of mine to Mr. Good's amendment will make them equal partners.

Mr. Good: Read Mr. Moffatt's amendment. It said, "by deleting in the first line—"

Mr. Chairman: As I understand Mr. Moffatt's amendment it was to delete "two" and insert "five." That was stacked. The effect of Mr. Good's amendment is to increase it from two to three and the amendment proposed by the member for Fort William would have the same effect as the other one that was just stacked, changing it from three to five. In effect, you are trying to do through the back door what you couldn't do through the front door.

Mr. Foulds: Is it successful?

Mr. Angus: Mr. Chairman, the motion is coming down.

Mr. Eaton: Are we supposed to be finished tonight?

Mr. Foulds: Do you want to move a motion of closure? Do you want to move closure?

Mr. Chairman: Order. As I read it, the amendment to the amendment would have the same effect as the motion by Mr. Moffatt that is already stacked and I am going to declare the amendment to the amendment out of order.

Mr. Foulds: Mr. Chairman, if I might then speak to the original amendment of Mr. Good, we will support it because it does increase the consumer representation even though it doesn't achieve as much as we would like to see. We will support it because it improves marginally the representation of the consumers.

Mr. Chairman: Shall Mr. Good's amendment carry?

Motion agreed to.

Sections 3 and 4 agreed to.

On section 5:

Mr. B. Newman: Section 5(1).

Mr. Chairman: Is it an amendment?

Mr. B. Newman: No, I just want to make some comments on it so that the minister can clarify 5(1).

[5:45]

Mr. Chairman: You have the floor.

Mr. B. Newman: During second reading of the bill I made certain comments concerning 5(1) and I would like to express them once again to the hon. member so that he could allay the fears and anxieties of many in the industry as to their responsibilities and the fact that they do perform certain functions and services so that they may not be in contravention of the Act.

One of the comments mentioned to me is that an unlicensed funeral director or an unlicensed individual working for a funeral director, answering the telephone, would not actually be able to converse with the caller who wishes to have preparations made for services. Also under this Act, an individual assisting a funeral director at the graveside would not be able to give directions to the public or anything. It would require a licensed funeral director to perform all the services required during the course of taking care of a funeral.

There are others on which the member can reply to me. He knows what I mentioned earlier. If he would reply for the sake of expediting the bill, I would prefer to hear him now.

Mr. Chairman: Mr. Moffatt moves that subsection 1 of section 5 of the bill be amended by deleting the words "or directing the providing of" in the second line.

Mr. Wiseman: We would be prepared to accept that motion of the member for Durham East.

I think, if I could say while I'm on my feet, this would help to clear up the problem the member for Windsor-Walkerville has in regard to what the lay person can do and the funeral directors' jobs. I have them briefly outlined here for him. As I see it and as I'm told, the duties of the lay person may be to go on removals; answer the telephone or be in the funeral home to take first call information; assist at the door of the funeral home; set up flowers; drive a motor vehicle at funerals. He can't make funeral arrangements, perform embalming or conduct funerals.

Mr. B. Newman: If I may, would the lay person be allowed to inform the press—to submit the death notices to the press over the

telephone, especially when there is a deadline and the licensed funeral director is not around the establishment at the time? The deadline quite often is quite early in the morning and the funeral director may not be there, especially if there are no services for him to perform?

Motion agreed to.

Mr. Chairman: Mr. Moffatt moves that subsection (b)—

Mr. Moffatt: Mr. Chairman, subsection (b) should not be in there. It should just read "by deleting the words 'for funeral supplies or both'."

Mr. Chairman: It is very difficult for the Chair if the amendments don't come before the committee in their proper form. Mr. Moffatt moves that section 5(1) be amended by deleting "or funeral supplies or both" in the third line.

Mr. Moffatt: My reason for moving the amendment is for the benefit of people in remote areas where the services have been not provided by funeral directors in all cases. In some cases memorial societies have involved themselves in purchasing low-cost materials so that the people in those areas could take advantage of low-cost materials. This would provide for those people so to do.

If I may add, I apologize for the amendment being put in writing. I had it printed but on another page with the first part which, you advised me, would not be acceptable as two amendments so I rewrote it.

Mr. Good: I don't think this amendment is actually needed for remote areas because there are no licensing requirements in remote areas. That is covered in another section of the bill.

The amendment would certainly change the whole concept of the regulations of the Act and the policing of the whole funeral service. The idea, of course, is that no one may hold himself out as a funeral director and providing both services and materials is part of that. We could not support this part of the amendment for that reason.

I feel there is ample provision now. If people want to care for their own dead, there is no law against it. You can build your own casket if you so desire and look after members of your family as long as you are not holding yourself out as doing that on a continual basis for other people. This would distort the whole line of the Act and we could not support this particular amendment.

Mr. Wiseman: Mr. Chairman, I think the member for Waterloo put it well. We couldn't support this amendment.

Mr. Bounsall: I think this is another key amendment because there are instances, not in remote areas but in built up areas, of problems, as far as I know, in the cities of Thunder Bay and Kingston, in finding the low-cost materials or low-cost supplies made available by undertakers in those communities. In both those communities there is a need for that type of supply, which is not available through the funeral directors, to be supplied by other people.

I, for one, can't see anything wrong—and I hope the parliamentary assistant would take this fully into account—in a particular carpenter, for example, in the winter months when he is not working, putting together for sale to whoever wants to buy from him directly, the seven-eighths inch pine cremation box, which is what's required under The Cemeteries Act, at whatever price he wishes to ask. If that type of box is not available through the funeral directors in his locality—and it need not be a remote locality for this to occur—I cannot see why that person should be enjoined from selling that particular kind of supply.

We have the two instances of Thunder Bay and Kingston where it is difficult to get some of the low-cost supplies which are available through funeral directors in other parts of the province, I cannot see why that supply cannot be provided by another group or another person in that community. I use as a simple example someone who decides to build a cremation box which meets the criteria of The Cemeteries Act for sale to whomever wishes to purchase it.

We are talking to the member for Lanark of supplies; we are not talking about any other form of service. We are not talking about embalming, we are simply talking about supplies which aren't being given in the community now but which could be given and which meet any requirements of any other Acts in the province. It can be for that matter, since funeral services and funeral establishments are a competitive business, the provision of those at a lower cost than what might be available collectively from all of the funeral service establishments in the locality.

Mr. Foulds: I just want to speak to the principle embodied in our amendment. I really don't understand what this government and what the Liberal Party have against free enterprise in the supplying of funeral sup-

plies. I notice there is no definition of funeral supplies in the Act and I see no reason in the world, as a matter of principle, given your cast of thought, why funeral directors should be the sole people to supply funeral supplies. As my colleague says, we are not talking about services, we are simply talking about supplies. A plumber is not the only one who can sell you a toilet. You can get that at the hardware store if you want. A doctor is not the only one who can sell you a bandage. You can buy that at the drug store. Why should not the same principle apply in funeral supplies? I know there is a whole aura of sanctity about them, but is there any public health or safety factor involved?

Mr. Germa: Monopoly.

Mr. Foulds: That is exactly what it is. You are giving the funeral director in this case a very direct monopoly of supplies.

Mr. Angus: That's how you believe in free enterprise—protect your own.

Mr. Chairman. All those in favour of Mr. Moffatt's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion, the "nays" have it.

Vote stacked.

On section 5:

Mr. Chairman: Mr. Moffatt moves that section 5 of the bill be amended as follows:

In subsection 4, one, by adding "or" at the end of clause (a) and by deleting "or" at the end of clause (b) and, two, by deleting clause (c) and by adding to the section the following subsection 6: "Subsections 1 and 2 does not apply in a sparsely settled area where a funeral director is not available."

Mr. Moffatt: Mr. Chairman, there is a grammatical error in there now. That "does" should be "do." Quite simply, our concern here is that the items specified in the first part include embalming and we feel that that practice should not be engaged in by a person who has not at least had some modicum of training.

On motion by Hon. Mr. Handleman, the committee of the whole House reported certain resolutions and asked for leave to sit again.

Hon. Mr. Handleman: Mr. Speaker, before moving the adjournment of the House, I would just like to inform the members that we propose to continue tomorrow after question period in committee of the whole to deal with the continuation of Bill 171, Bill 135 and Bill 187, and to go into second reading of Bill 176, to conduct the debate on the select committee on the Camp commission report and to wind up tomorrow evening with the budget debate.

On motion by Hon. Mr. Handleman, the House adjourned at 6 p.m.

APPENDIX A

Standing Resources Development Committee

WEDNESDAY, DECEMBER 15, 1976

The committee met at 10 a.m.

WORKMEN'S COMPENSATION BOARD
(continued)

Mr. Godfrey: There are some general remarks I would like to make, but I have a few questions I would like to pose first, so we could be sort of working on the answers while we are talking in general.

You referred yesterday to 33,000 active claims. I am not too sure of the definition of "active" and what I am trying to get is, how many of those are sort of chronic claims and how many of them are short-turnover claims? I presume it takes you maybe 10 days to process a simple claim; could you give me some sort of an estimate of that? Then on the 33,000 claims, I would like to know how many are under appeal; that's either the first appeal, or I believe there's a second appeal mechanism as well—just to give me a perspective of the workload that's carried.

I would also like to know the average time for settling a claim, and I believe this can be broken down into clean and dirty claims. I break it down into simple claims and complicated claims; there is a third complex claim, but I'll accept your definition to give me an idea of how this 33,000 sits on top.

Then I would like to know the average time for settling whatever your group of claims is. You can give me the average time for settling simple claims and the average time for settling non-simple claims. Then, if you please—and I realize that you have an expert organization at your fingertips, Madam Minister, and I congratulate you on the quality of your staff—I would also like to know the median time it takes to bring your claims to a close.

I would start by congratulating the board, particularly in view of the release from Dr. McCracken last week whereby it's pointed out that physicians are to take note of occupational factors when diagnosing diseases and to report cases where occupational factors may be significant to the Workmen's Compensation Board. I think this is a real step forward and I am sure we have all been working toward this. The NDP doesn't claim 100 per cent of the credit for that but I think that all of us must take a small amount of credit.

I am a little curious, though, as to how this is to be done. Is there going to be a formal mechanism for reporting that sort of thing? As you know, with an injury-induced disease there is a formal statement of activity. Could you explain to me how this is going to be phased into assessing whether this workman is entitled to disability? That's a general question.

Mr. Starr: Mr. Kerr could answer the first grouping. Yesterday Mr. Kerr did answer the majority of the questions you posed today. Unfortunately I don't think you were here, but I think he is prepared to repeat that for your benefit.

Mr. Godfrey: Well if it's in the Instant Hansard, just give me a copy of that and I will get it from that.

Mr. Starr: It may not be complete. You may have a question there that was never answered, so I think possibly if we would just go over it now—

Mr. Kerr: Yes, I would be happy to; and you are quite right, there are a few other details the doctor asked about which we can include.

I mentioned there are 33,000 active claims at any one time and this is broken down into —first of all, perhaps I should explain to you that we have the primary adjudication claims section, which handles the claims that can be handled very quickly without a great deal of inquiry; they take care of the case until it becomes 13 weeks old and if the length of disability exceeds that period of time then it goes to the extended disability compensation section.

The extended disability compensation section has two functions. They handle the cases that are ongoing beyond the time limit that I gave you; and they are also responsible for carrying out the initial inquiries in claims that are complicated in so far as the allowance is concerned, where inquiry is required.

So breaking down this 33,000, we have 7,000 approximately—I have rounded these off—in the primary adjudication claims section; in the extended disability compensation section, 23,000; and then we have 2,000-plus —each one of these are plus, I have taken it to the lowest thousand—2,000-plus which would include claims that are in our pensions

and fatal and industrial disease sections, such as silicosis cases and other types of claims that are under active treatment, under consideration. So an active claim, in our view, is one that has not as yet been adjudicated for allowance in the initial stage; and those that have been adjudicated for allowance and are under payment, or are still active until the pension is awarded if the man is entitled to a permanent disability award.

I also mentioned yesterday the time required in these uncomplicated claims for adjudication purposes—although it could be a serious injury, from the point of view of "is it within the terms of the Act?" it's relatively simple—84.6 per cent of the initial payments are made within three days of the date the employer's report of accident is received and 97.6 per cent are made within four days of the date the employer's accident report is received and in those cases the employer's accident is the first notification we have of the injury.

Mr. Godfrey: Excuse me, may I interrupt? Within three days; supposing you get the employer's accident report on Friday?

Mr. Kerr: I am talking about three working days, sir.

Mr. Godfrey: Thank you.

Mr. Kerr: Then we have what we call the complicated claims, from the point of view of adjudication, where the accident may have been reported by the employer in the initial instance or it may have been reported by the doctor in the initial instance. The first time we hear of it we make the necessary inquiries and in those cases the initial payment is made, in 54 per cent of these complicated claims, within 10 working days from the date we are notified of the accident; then it's 82.8 per cent within 20 working days from the time we are notified of the accident and 85 per cent within 30 days of the date we receive notification of the accident.

Mr. Godfrey: Just let me clarify that: Then there's some 28 per cent who are held up for at least 20 days, the difference between your 54 and 82 per cent?

[10:15]

Mr. Kerr: This is the overall figure. Everything is processed with the 82.8 per cent, the initial payment goes out within 20 days.

Mr. Godfrey: All right. But if 54 per cent go out in 10 days, then there is a sizable percentage that doesn't go out for 20 days, something like 28 per cent.

Mr. Kerr: Yes, the difference between 54 and 82 per cent, you are right.

Mr. Godfrey: Thank you; and that would be explained by?

Mr. Kerr: It's because of the nature of inquiries that have to be made and how long it takes for the information to be obtained to make the decision.

Mr. Godfrey: And in the meantime there is no money coming in to the workman?

Mr. Kerr: That's true, because we have not been able to establish at that point in time that his claim is under The Workmen's Compensation Act.

Mr. Godfrey: So that a workman who may not have any resources is pretty badly strapped in 20 days. He can manage for a week, but three weeks gets pretty heavy at times.

Mr. Kerr: That's quite possible, depending on his financial circumstances.

Mr. Godfrey: And then on the extended initial assessment inquiry completed, you had some 2,000?

Mr. Kerr: They are active claims. You were talking about the active claims. Now you are switching back to how many active claims we have.

Mr. Godfrey: I believe you mentioned that you had 7,000 primary adjudications, 23,000 extended—

Mr. Kerr: That's right.

Mr. Godfrey: —in one section, and then there were another 2,000.

Mr. Kerr: That's 2,000 in other areas dealing with things such as claims for widows, death claims, claims for industrial diseases. They are handled in a special section called the permanent disability, fatal and industrial disease claims section. They are handled by a special group. They are not in with the rest of them. That's why they are segregated.

Mr. Godfrey: And what is the time factor there?

Mr. Kerr: I have no figures on that.

Mr. Godfrey: But you have an estimate?

Mr. Kerr: One could expect it would be much longer because of the nature of inquiries.

Mr. Godfrey: Where no funds would be coming in?

Mr. Kerr: That's right.

Mr. Godfrey: Would it be a year?

Mr. Kerr: We are not in a position to pay until we establish the entitlement under the Act.

Mr. Godfrey: The thrust of the questioning, Mr. Chairman and Madam Minister, is that you are badly overworked and badly understaffed. I think that is the cause of a lot of our problems that we are running into in our riding and I intend to develop that a little more as we go along. So you are not giving away any secrets when you admit you don't know how long it takes to take care of these 2,000 claims, because once again we have families who may need money and are held up for a certain amount of paperwork and investigation.

Mr. Kerr: I can tell you that fatal claims are handled immediately. Our staff watch the daily papers and listen to the news reports and when a fatal accident occurs, they're on the telephone immediately. They use our field staff and within 24 hours we send out the first cheque to that widow, even though we haven't received an official report from the employer.

Mr. Godfrey: I think that fits very well with the intention of all parties. I am sure they would agree with that.

Mr. Kerr: In a large number of these diseases, such as industrial hearing loss claims, the man is still continuing to work and it's a question of us determining his entitlement under the Act and then determining his permanent disability award for him. So in a large number of these cases, the men are still at work.

Mr. Godfrey: And the cost to service a primary adjudication?

Mr. Kerr: I haven't broken that down. I don't have the figures here.

Mr. Godfrey: The cost to service an extended one? Has that been broken down?

Mr. Kerr: Oh yes, we have cost figures on our budget for each section of the division.

Mr. Godfrey: Would that constitute a large sum? Would it be a sizable percentage of your operating costs?

Mr. Kerr: The operation of the claims adjudication branch, which includes all of these things, is a fair size of our cost.

Mr. Godfrey: Can you give me a percentage of what it would cost to take care of the primary ones which are settled in very short time, the 84 per cent within three days?

Mr. Kerr: Let's see what I have with me on this. I haven't brought the breakdown with me, but I can tell you how much it cost in 1976, this year, for the administration of the claims adjudication branch. It was approximately $5.9 million, and this includes all of the adjudicative function within the claims adjudication branch.

Mr. Godfrey: I won't press you on that but—

Mr. Kerr: It is available, I just don't have it with me.

Mr. Godfrey: It is available. Could I ask for that figure then; and to be perfectly clear, I would like to have an idea of the cost to assess the primary adjudication—that is the 84.6 per cent settled within three days who are obviously quite minor. Then I presume the remainder would deal with the other things.

Mr. Kerr: The injuries aren't minor, sir, but the adjudication is relatively simple.

Mr. Godfrey: I agree. I think that was all the specific questions I had in this area, but I also asked what mechanism has been set up so that the physicians may take advantage of this newest and happiest decision that has been made by the board. How do you assess the occupational factors when diagnosing disease as laid down in your press release? What is the mechanism there?

Dr. McCracken: First of all, in reference to the letter which I sent to—I believe it was approximately 16,000 registered physicians; some of them outside the province, but we had no control mechanism to take their names out of the list—in the letter I made it quite clear where I said, "Finally, should you feel that there is a possible causal relationship please advise me with identification and details."

I felt that the letter was the quickest way of getting the message to the physicians of the province that there was somebody they could identify at the board if they felt they were seeing a series of cases which they were of the opinion might be a trend relating to the occupational disease.

I appreciate that depending upon the amount of correspondence which I will get from the physicians—and so far the correspondence has not been to identify diseases except in one case—the correspondence I have received has to do with physicians writing to me telling me they are happy they have received the letter.

I have had suggestions from one of the physicians on the staff at the University of Toronto stating he is bringing the matter to the curriculum committee because he wants occupational health placed as a required part of the medical training curriculum. He feels this letter will go a long way toward establishing his point and he said he has been interested in this for some considerable period of time. I have had correspondence from other physicians from McMaster University Medical Centre stating the same interest.

Realizing we have to have some type of a follow-up mechanism, for some time now I have been looking at the official publication of organized medicine—namely, the Ontario Medical Review—as a vehicle of communications to flow to and from the board. I had already entered into discussions with the editor of the Ontario Medical Review concerning this matter and we had formalized the arrangement prior to my letter being sent out. I am hopeful that the first full page which the board will occupy in this journal will hit the January issue. It is through this vehicle mainly that I think we are going to be able to feed further information to the medical profession as to the type of details that Mr. Kerr and his staff will require, and also to identify the claims people who will be involved in the ongoing development of our assessment of industrial disease.

I didn't want to put that into the initial letter because, as you are well aware, if you get into too much detail this tends to detract from the reading of the document. But this is the vehicle I intend to use.

Mr. Godfrey: Dr. McCracken, just before you go on, what are you going to do for the physicians who don't belong to organized medicine?

Dr. McCracken: It so happens, as you probably are aware, I am the chairman of the membership committee. Currently our membership—the Ontario Medical Association membership—is running in the neighbourhood of 87 to 88 per cent. The vast majority of the people who do not belong are physicians who are retired or had membership but are no longer resident in Ontario.

Actually, the Ontario Medical Review covers the vast majority of those physicians engaged in the active practice of medicine in Ontario—not all of them but the vast majority.

As to how we get the small percentage that is left over, I would visualize that from time to time when I think the opportune moment has arrived we will again have to go to the master list which the Ontario Medical Association was kind enough to provide us with for purposes of mailing the letter and that list is kept updated by the College of Physicians and Surgeons on a quarterly basis. They feed information to the Ontario Medical Association as to the new people who are registered to practise and the people who have been taken from the roster. So that it is a fairly up-to-date list, as up to date as any large list like that can be.

Mr. Godfrey: Thank you. My initial question dealt with the mechanism for identifying it and let us give you a case example. You mentioned physicians would be alerted to a series of cases. The case I would like to present to you is a man who suffers with chronic bronchitis and emphysema and the physician suspects this may be due to some of his working in the past and he then suggests that to you. What facility do you have to draw his records or formulate some evidence that this is truly the effect of having the workman in a smoky atmosphere or what have you?

Dr. McCracken: First of all, under such a situation where the disease entity that the physician is reporting is not currently included in our list—for example, asbestos, coke ovens and so on—I would visualize that we would take the information. We would then contact the patient; ask him for further information, ask him for a signed waiver so that we would then have access to his medical records which will—

Mr. Godfrey: Which will be approximately four years long with this particular physician. My whole point is that, laudatory as this step is, I think it now requires a further step, namely an inventory of the workman's past work situation. What I'm getting around to is: Are you on the point of developing that sort of an industrial inventory as to where he has worked?

Dr. McCracken: Yes, that would be part—as a matter of fact that is done currently with a claim that is being set up; the claims division establishes an occupational history.

Mr. Godfrey: Thank you very much. Mr. Chairman, I was concerned yesterday about

the role of prevention. Possibly we had better leave that though, inasmuch as Mr. Starr is under the table.

Mr. Chairman: Mr. Starr has left the room with Mr. Mackenzie. He has good reason for being absent right at the present time.

Mr. Godfrey: I'll wait for him to come back, that's fine. Possibly I might move on to the difficulties in deciding an accident—and this is partly on what I was just talking about— or deciding what is compensable, because as you know The Workmen's Compensation Act was fairly well designed as a personal injury Act and has been expanded somewhat. But I am sometimes a little curious as to how you decide that this is a compensable injury. I give you a specific case in point: A crane operator works doing this type of operation eight hours per day and then ends up with a hand which has pathology in the carpal tunnel and he is refused compensation. On what basis would your decision be made that this activity being performed repetitively during the day is not the factor that caused him to end up with having pressure on his nerve?

Mr. A. G. MacDonald: Repetitive action is in fact, by definition, now an accident and I'll ask Mr. Kerr to deal with that.

Mr. Kerr: Yes, when we have a claim such as that, we would go into what he has been doing at work that is felt to have caused the condition.

Mr. Godfrey: I don't want to ambush you, but this has already gone through the appeal and you've turned it down.

Mr. Kerr: Well, I can't talk about the case, of course, and I have nothing to do with the appeal system, but in the claims services division, if we had such a claim, we would have it looked into to find out what he's doing at work; what is involved in his work; what are the repetitive motions; the mechanics of the motions that he must go through. We would obtain the diagnosis—the diagnosis is very important—and then we would seek the medical opinion concerning the casual relationship.

Mr. Godfrey: I'm not being rude in cutting you off but I am trying to save time in order to give other speakers a chance. This is a pat routine that we go through and this has been turned down. So obviously somewhere along the line we have another individual consideration which must be brought up at this august occasion so I can get satisfaction for this case, because it simply doesn't work that way in my experience with the claims that I have seen. It has been turned down. So we're once again at the Christmas giving season where all things are settled at this particular time and the rest of the year I can't get that satisfaction.

How about a case of mycoplasmosis in a laboratory worker? How do you decide whether that is compensable or not?

[10:30]

Dr. McCracken: Dr. Dorothy Burton, who is our consultant in this type of industrial disease, handles all of these cases. She has developed a file which covers all cases in this category that have been dealt with by the board over the past 15-plus years. Using that as part of her point of reference, she has established pretty clear and crisp guidelines for the allowance of these cases. Once a claim is set up, and once the claims aspect has been looked into as to what occurred and when and where, these data are fed to the attention of Dr. Burton, she, in turn makes the necessary inquiry and makes her medical decision.

Mr. Godfrey: I realize that it's difficult for Dr. McCracken to speak for Dr. Burton, but suppose I pose this situation to you: That person most likely didn't get the mycoplasma in the laboratory but you've accepted the claim.

Dr. McCracken: Presumably, in this hypothetical case—

Mr. Godfrey: It's a real case.

Dr. McCracken: Presumably Dr. Burton, on the basis of the evidence in the file, certainly including the medical evidence, had come to the conclusion that there was a probability that it could have arisen from exposure in the laboratory. Once the probability was established, then the claim would have been allowed.

Mr. Godfrey: In essence, the benefit of the doubt certainly went to the claimant in that particular case, because there was no evidence of mycoplasma in the laboratory at any time; we leaned over backwards—

Dr. McCracken: This apparently would be the case.

Mr. Godfrey: Yes, it's a rather inconsistent policy at times, but I approve. How about lifestyle types of injuries? Say a girl wearing platform shoes slips at her job, strains her

ankle and is then given compensation. How do you balance off the lifestyle as opposed to your compensating granting?

Mr. Kerr: We don't make any difference whether she's wearing platform soles or loafers. If she has an accident at work in the course of employment, then that individual is entitled to compensation.

Mr. Godfrey: In other words, I think you're taking the thin-skull law: It doesn't matter how thin your skull is, if somebody hits you it's his fault if your skull breaks. Is this the correct interpretation of that?

Mr. Kerr: I don't follow that analogy, sir.

Mr. Godfrey: It's a legal term.

Mr. Kerr: I know what it means, but I thought we were talking about soles rather than skulls.

Mr. Godfrey: Yes, we are. My point is that you're accepting the responsibility; that person was quite well until she was walking around a lab on high platform shoes and slipped; she wouldn't normally hurt herself, but she did hurt herself, therefore you're accepting that as compensable; and I think that's laudatory.

Dr. McCracken: I believe that the interpretation of the "thin-skull" client is that you take your client as you find him.

Mr. Godfrey: Yes, exactly.

Dr. McCracken: That includes platform shoes.

Mr. Godfrey: Great. Does it include smoking and asbestos?

Dr. McCracken: Yes.

Mr. Godfrey: In other words, if a worker is smoking and contracts asbestosis in the asbestos plant, that doesn't count against him as far as judging whether that carcinoma of the lung, or whatever he has, is due to smoking?

Dr. McCracken: No. We know for a fact that there are a number of cases where the carcinoma is caused by the volatiles in the cigarette smoke, just the same as we know that a number of cases are caused by asbestos particles in the lungs. This is proven on the basis of the epidemiological studies—nothing from the pathologist; no hard pathological data.

Mr. Godfrey: So, as far as we're concerned, from the standpoint of compensability, it doesn't matter whether the worker is a smoker or not, if he's been exposed to the asbestos then it's presumed that the cancer of the lung which generates is from the asbestos and not from the lifestyle?

Dr. McCracken: That's correct.

Mr. Godfrey: Thank you. How about a workman who yawns on the job, dislocates his jaw and is then given compensation? Aside from yawning in the Legislature and at these hearings—

Dr. McCracken: It must be a boring job.

Mr. Godfrey: Yes. What is your rationale or your justification for awarding compensation to a workman such as that, which is an actual case?

Mr. Kerr: I must confess I haven't seen one like that that's been allowed.

Mr. Godfrey: I'd be glad to put it on your desk.

Mr. Kerr: I doubt if that would arise during the course of employment even if the job were boring, as someone suggested.

Mr. Godfrey: That might be an occupational hazard of being in the Legislature.

I do appreciate the difficulty you have in adjudication—I won't go over it again—because of the adversary attitude which has been built up. Whether you're conscious of it or not, Mr. Chairman of the Compensation Board, it is there. I'd like to direct my next few comments as to how this can be stopped.

Certainly the adversary situation which the workman feels himself in is very debilitating to him and discourages his participation in the whole process. Is there any chance of reducing this adversary situation? I realize you have a member of your staff who will help the claimant organize his claim. But is that enough? Should we not be talking about a medical ombudsman—not hired by the board; a free agent, as the Ombudsman is for Ontario—who can look at these people and be prepared to be a friend of the judge, as it were. Has that thought entered the board's considerations?

Mr. Starr: Personally, I've been giving it some thought ever since I was on the task force and that came through my mind. Nothing concrete has been done to establish such a situation, but I can assure the doctor that that idea is not leaving my mind.

Mr. Godfrey: I don't want to press you, sir, but could we ask when we could have

further thoughts on it? You have a forward-thinking group in your society, and it would seem to me you are aware of the fact that workers do not trust the Workmen's Compensation Board. You are aware of that. If you're not, I can assure you that is the case. There must be steps taken to stop this. Otherwise, we're going to have total chaos.

Mr. Starr: I bask in the thought that 99.9 per cent are favourable to the Workmen's Compensation Board. It's those who are rejected or those who have unfavourable decisions made—with which they don't agree, naturally—who are the ones who don't look favourably on the board.

Mr. Warner: Could you give us the percentage again?

Mr. Godfrey: Ninety-nine.

Mr. Starr: That's not a concrete percentage.

Mr. Godfrey: Well, it's about ninety. Nine out of ten are happy with the treatment they get?

Mr. Starr: I would say so.

Mr. Godfrey: I must disabuse the Chairman of the Workmen's Compensation Board. You've got to get out and talk to some of these workers who are coming down there. I don't listen to a vocal minority. I listen to a large number of people and all of us here have at least 20 cases we can put on your desk right now where there has been dissatisfaction—right now, and I'm talking about today.

Mr. Starr: But you're talking, sir, about a volume of 420,000 cases per year, or 1,700 per day. I have made myself accessible to anyone who wants to see me—any claimant, without an appointment, whether it's by telephone or on a personal basis or by letter. I have sat down and discussed their cases with someone who was expert enough technically on adjudication to go over their files and to see whether justice was done.

Mr. Godfrey: I appreciate that, and I applaud you for the fact you are available. I'm personally aware of that. But how do you explain the feeling that people have towards the Workmen's Compensation Board? Has this not crossed your mind that something isn't being done properly? Excuse me, Mr. Chairman, a direct question—

Mr. Hamilton: Mr. Chairman, I think if we look at this whole problem realistically, the one underlying disturbing factor is inflation. If you talk to the injured workmen, whether it's the disgruntled 10 per cent or the 80 per cent who go through the routine, they are being cheated out of wages and so on by inflation. I think that is the most disturbing feature of the people, whether they have a five per cent pension, or whether they're on full compensation, or whether they're on a long-term pension or not. If we could, by some strange magic, remove that inflation problem from all of the board, then the Chairman is perfectly correct, in my opinion—and I have been around this game a long time—that 90 per cent of the people go through the format of getting their compensation and they're relatively satisfied with the treatment they get and they're relatively satisfied with the pension.

But an underlying current in everyone who deals with that institution and other institutions today, is that they are being cheated by inflation. That is not the fault of the administrators at the board, it's not the fault of anyone. That, really, is the thing we must come to grips with if we're going to solve it.

I think we are dealing here primarily with a percentage which has been almost historical. Around eight or nine per cent of the people go through the appeals and are highly disgruntled for one reason or another because they've been badly handled as individuals or so forth.

Looking at it honestly and looking at it realistically the underlying discontent against the Workmen's Compensation Board or any other institution today is inflation. They are being cheated out of dollars which they rightfully should have to raise their families in an inflated society and that is not the fault of the Workmen's Compensation Board.

Mr. Laughren: If I might interject here, I must say that that kind of self-deluding attitude at some point will cause the board to self-destruct. When that commission was appointed to look into the Workmen's Compensation Board—Mr. Starr was chairman of that commission—the rate of inflation was not what it is today. Yet there were as many problems at the board then as there are today.

Anybody who thinks he can write off the problems of the board to inflation is surely kidding himself and trying to kid us, and that's ludicrous.

Mr. Hamilton: I am not trying to kid you but the problems we had at that time, Mr. Laughren, were unique to that period and are not the problems we have today.

Mr. Laughren: You can rationalize about any given point in time that you like but

the problems persist and they are attitude and the adversary system.

Mr. Hamilton: Sure, there are problems.

Mr. Godfrey: I think we do come back to the problems of an adversary system. As you know, the workman going down there, particularly the one who is not skilled and sophisticated, goes into a room with people of the calibre of Mr. Starr and others like him. He feels threatened, frankly, and he hasn't got very many friends with him. I think we have made our point on that. I think your point about money is sound. I certainly agree with Mr. Laughren that that's not the whole solution to it. There is far more to it than that.

Can we move on from that to the care of psychological and emotional problems resulting from an industrial accident? What is your general policy toward how a person is compensated for a functional overlay, or symptoms of anxiety or depression or hysteria, or accident neurosis?

Dr. McCracken: I can start off on that and then I think Mr. Kerr can add to it.

As some of the members on the committee here are aware, in 1974 the board issued a directive detailing the fact that psychological disability was an entity which we must address ourselves to. The board wished us to try to identify psychological disability as early in the disease process as possible in order that we might do a number of things. One of them was to determine whether or not it arose from the original accident in question so that entitlement could be established. Mr. Kerr will speak to that.

Also, having identified it—or possibly identified it because psychological disability is a very broad term to encompass pretty well everything in the emotional field so we'll be certain we're not going to miss anything.

To the non-medical people here, psychological disability really is not a medical diagnosis at all. It is a term used to designate that the person does have some emotional problem. It might be that the person is merely upset about the fact he's been injured; or he's upset about the fact that he is not back in the work place; or he is not able to participate in home activities; or it might be more serious than that.

In any event, to try to address ourselves to this matter, in 1975, I established the psychological social evaluation module at the hospital. The name of this module is to try to describe what it is to do—namely, address itself to the psychological aspect, to address itself to the social impact and to evaluate these two factors.

[10:45]

It is essentially not a treating unit although treatment is carried out. It is the unit to try to determine whether or not the person does have a psychological factor and, if so, what should be done about it insofar as medical treatment is concerned; or insofar as paramedical treatment is concerned, such as group therapy with psychologists, and to establish what can be done from the aspect of the social worker to evaluate and come to grips with stress factors in the patient's home environment. Finally, the rehabilitation counsellor will have instruction as to what is, in the opinion of the team operating this module, the best direction that he should go in order to get the person back into a familiar environment, namely back home and back into the work force; by doing this as expeditiously as possible, we feel that this in itself has pretty positive, curative aspects.

What do we do about the payment for psychological disability? This is something Mr. Kerr can speak to, as it relates to the fact that two of the members on the module team are very senior claims personnel; it is their responsibility in conjunction with the physician, the psychologist, the social worker, the registered nurse and the other members of the team, to come to an evaluation as to the relationship and, therefore, entitlement to compensation.

Mr. Godfrey: Just before Mr. Kerr responds, what are the qualifications of the two members who make the decision?

Dr. McCracken: On entitlement? They are two of Mr. Kerr's personnel. He can speak to that.

Mr. Godfrey: And he'll give us their qualifications?

Dr. McCracken: Yes, he will.

Mr. Kerr: I'd like to say that I think that, at the direction of the board, we have been taking a little more enlightened approach to this problem during 1975 and 1976. As Dr. McCracken indicated, early recognition is important. With the introduction of this special group at the centre, we feel that if we can detect a psychological problem developing early in the period of disability, it's much better to try to correct it and eliminate it if we can. This is really one of the thrusts of our approach today, rather than getting involved in a case with a psychological

aspect a year, a year and a half or two years later, when there is a much greater problem in trying to solve it.

It has a beneficial effect in that we do have guidelines for identifying these cases —the things to look for, both for the claims adjudicators and certainly Dr. McCracken's medical advisers. We think there's been a beneficial effect in that.

We're all familiar with direct brain damage; there's no problem there in adjudication or as a direct result of physical injury. But we also will consider entitlement when we've got a psychological disability resulting from extended disablement, maybe a number of operations and a prolonged period of disability, plus other related factors. Certainly this is included in our adjudication process.

When it comes to determining the man's disability, we hope that by spending more money in terms of paying compensation for temporary total disability for a longer period of time, it's in the best interests of the individual if we can eliminate or remove the psychological disability. Which is a noble goal and sometimes is successful. We find we are a little bit more successful. Although we haven't been in the new approach long enough to completely assess it, it is our considered feeling that we are having some greater degree of success in this area. In those where we are not successful, of course, we must consider an appropriate permanent disability award.

In most cases we find that the psychological disability is concurrent with a physical disability, and during the period of temporary total disability there is no problem in treating both. When we come to the permanent disability aspect of it, there have been a number of cases during the past year where individuals have been given pensions for life and there have been some where they have been given provisional pensions for a period of time, perhaps two years, and reviewed.

We haven't gone down the road far enough to really determine the efficacy of the final approach, but we think that we are heading in a better direction than we were before the board directed us to take this kind of approach to the problem.

Mr. Godfrey: How many people would there be in this unit at one time? What's the patient quota?

Dr. McCracken: Day patients?

Mr. Godfrey: Yes.

Dr. McCracken: We've been trying to establish what the maximum capabilities are of the unit. The figure that I've arrived at is 350 cases per year. Beyond that, the personnel in the unit tell me it is beyond their ability to handle more than that. This works out to one admission of the 250 working days of the year at minimum.

Mr. Godfrey: I didn't hear the qualifications of the two people who set the pension or the disability allowance.

Mr. Kerr: The pension isn't set exclusively by the people in the psychological special unit at the centre. The director of the claims review branch, Mr. Kergon, is our representative out there. He has served in the former appeal tribunals under the previous system and is quite skilled in this area.

He's not a doctor nor does he pretend to be, but he's aware of the board's policy and the thinking and he is involved in entitlement. Another senior person, usually a supervisor from the claims adjudication branch, sits in with him at one level under the director. These two are senior people who help, along with the medical and paramedical members of the special group, to direct case management if you will, in the best interests of the man.

When it comes to setting the permanent disability evaluation, we have our own skilled people in the pension section, including pension medical advisers, our own claims pension adjudicators and our consultants on staff.

Mr. Godfrey: It would be possible for a person to have a 100 per cent disability impairment or impairment because of psychological reasons?

Mr. Kerr: Yes, it's possible.

Mr. Godfrey: Would you have an idea of how many of those have been awarded in the last year?

Dr. McCracken: That's getting into a different group of cases. The patients who are going through the module or at the hospital are the early cases that are not even being considered at that stage of the game for any permanent disability. It is hoped that very few of them ever will be because we hope by doing this we're going to have a pretty respectable success rate with these people so that we will overcome their disabilities.

Mr. Godfrey: I applaud that, but what do we do about the person who now has a well-

formed psychological disability who simply cannot work because of his problems? Can you give me an indication of how many of those we have and what's done with them?

Dr. McCracken: For people coming to permanent disability evaluation, we have developed data from the commencement of identifying these people, following the board order in 1974. Many of these cases have previously had temporary awards of 24 months applied to them. They were brought back and, from the middle of 1975 up to the present time, there have been 49 cases which have been reviewed on the basis of permanent disability evaluations for psychological disability, which has by that time developed to the point where definite diagnosis is made, namely, one of the psychoneurosis.

Mr. Godfrey: And they have been given a total disability rating?

Dr. McCracken: Not necessarily total because not all of them are total.

Mr. Godfrey: But as appropriate?

Dr. McCracken: That is correct.

Mr. Godfrey: What happens with the worker who has gone back to work? At least he's been on allowance and then he's asked to go back to work and is not co-operating. This is a phrase that was used earlier as a reason for downgrading his allowance. He is not co-operating but he tried. What happens to him? Is he seen by your psychological assessment? What is his fate? He has now had his allowance reduced by 50 per cent, I think it is.

Dr. McCracken: Any of the patients that have gone through the module—

Mr. Godfrey: No, I'm not talking about the module. I am talking about the ordinary everyday patient.

Dr. McCracken: With the other patients, the other cases, where there is some type of psycho-neurosis that has developed and they have had entitlement established for that—

Mr. Godfrey: I'm sorry, I haven't made myself clear, if you wouldn't mind my interrupting you.

This is a workman who is now six weeks beyond hurting his back. I don't know how much longer his allowance will go on, say another six weeks. Then he has his allowance lowered because he won't go back to work. He says he's having too much pain. The assessment of the physician, or whoever has been assessing him says he can go back to work. What happens to that man?

Dr. McCracken: Mr. Kerr can certainly respond to part of this, but at that point in time, based upon the medical evidence—and this would be the medical evidence supplied by his treating physicians primarily, of course—they, hopefully, will be in a position to give us the information that in their opinion this person has totally recovered and they can't comprehend or understand why he is unable to carry on his work; or they will have given us the medical documents stating: "In my opinion, this man has an incomplete recovery. He does have some residual degrees of disability, I feel he cannot go back to his usual type of employment." There are the two different categories.

Mr. Godfrey: If we could just stick to the first, a nice, simple back pain; if after 12 weeks he doesn't want to go or can't go back to work because he says he's having too much pain and he's seen by the regular line of altruistic physicians who say they really think he should be going back to work, but this workman says: "I can't go back to work, I'm having too much pain"; in this case I'd like to know the process which is open to him from then on, aside from being accused of not co-operating.

Mr. Kerr: May I answer that from a claims point of view, because we hit that from time to time?

Mr. Godfrey: Frequently?

Mr. Kerr: If the situation is as you describe, where the medical information on file indicates clearly that the man should be working and there are no findings of any kind in the medical examination—and they're all subjective, it's just as the man says—in the initial stage we would have to take the medical information that's on file. Several things happen in actuality. Sometimes another medical report will come in from another doctor, which has some information bearing on it.

Mr. Godfrey: Another doctor; called in by whom?

Mr. Kerr: The man may go to another doctor on his own.

Mr. Godfrey: But you don't accept those reports.

Mr. Kerr: Oh, we take a look at all reports that come in.

Mr. Godfrey: If a workman goes to another doctor without permission from the board what happens to that workman?

Mr. Kerr: First of all, the man has the initial choice of his doctor; he chooses him.

Mr. Godfrey: Let's not fudge now.

Mr. Kerr: I'm not fudging, I'm going to answer your question, if I may. He has the initial choice of doctor, but once he's established treatment with that doctor he shouldn't change doctors without the board's permission.

But to get back to answer your question, if that man took it upon himself to go to another doctor and the doctor submitted a report, we just don't throw it to one side, we take a look at it. Maybe there's something in that report that's worthwhile, and so we would have, in our view in claims area, a difference of medical opinion. We would handle that in the same way as we handle any difference of a medical opinion. We would refer it to our medical branch and the man would be either brought in for examination by our own doctors or referred to a consultant in the local area. We would end up by taking the most senior medical opinion or the preponderance of medical opinion.

If the man did not go to a doctor on his own, he has the right of appeal. Usually what happens is the man will appeal that decision. When he appeals, it has to go to a higher level to be considered.

Mr. Godfrey: To evaluate the psychological problem; there are experts brought in to help you with that evaluation?

Dr. McCracken: Yes, that's correct.

Mr. Godfrey: That would be routine. The thing is that I think there are many workmen who do have psychological problems and may be put in a pejorative category inasmuch as there's something the matter with your head and therefore you tend to be pushed off the allowances. You wouldn't agree with that, but that's my impression.

Mr. Kerr: It's very much to the contrary right now. We have injured people who have that kind of a complication which is impeding their return to work and we're stressing, as I mentioned earlier, that it's better to try to resolve that and get him back to work, even though it takes longer and more effort; and indeed to pay him compensation for a longer period of time on a temporary basis. We're trying to approach it from the point of view of can we eliminate or, if possible, reduce that problem.

Mr. Godfrey: Are we running into any cases, staying on the psychology bent for a little while longer, of white-collar workers who are suffering from strains of employment and are having compensation made available to them? For example, have any family doctors applied for compensation?

[11:00]

Mr. Kerr: Do you mean for coverage of employees in their practice?

Mr. Godfrey: No, for themselves. Family doctors have a very high rate of strain and stress as a result of their employment situation, particularly, say, in a university clinic. Or, let us get away from the personal things; let us talk about university professors in administrative posts, who have a great deal of strain upon them in their employment area and are covered by the normal compensation things. Have we had any claims from them as yet?

Mr. A. G. MacDonald: Mr. Chairman, the practice of medicine is not an industry covered by the Act.

Mr. Godfrey: No. I'm speaking about the University of Toronto, physicians on it's staff are covered. If I fall in the medical building over there, I certainly would get compensation.

Mr. Kerr: You're quite right. Employees of the University of Toronto, providing they are employees of the University of Toronto, are covered for injuries. In checking with my colleague behind me, we're not aware of any number of claims like that being submitted.

Mr. Godfrey: Is your colleague aware of the publication Job Demands and Work Health?

Mr. Kerr: I'm not sure of the relationship between that and the question, sir.

Mr. Godfrey: Without being impudent, this is a very deep report of what happens to workers in white- and blue-collar jobs who are exposed to strains and stresses. The Workmen's Compensation Act is basically a broken-bone Act; there's no consideration given to the psychological strains that come along with other factors in the employment situation.

Mr. Kerr: I'm sorry. I misinterpreted your expression "strains". I thought we were talking about back strains.

Mr. Godfrey: You see, you're organically oriented; that's your problem. We couldn't have a better demonstration of it.

My point is, are we gearing up or are we aware of the fact that many workers in industry who aren't necessarily exposed to carcinoma of the lung, or who aren't necessarily breaking their backs, have as much disability and morbidity as a result of the working situation or the quality of working life? Are we gearing up to the fact or are you aware of that situation, and what claims have you had made so far?

Mr. Kerr: We are aware of the situation, but I do not know of any claims that have been made for that condition from white-collar workers or blue-collar workers.

Mr. Godfrey: Really? I'll move on from that, but I wanted to make that point apropos of the question I wish to ask the chairman of the board, with regard to a curative as opposed to a preventive type of compensation. Now, I realize the ministry yesterday proposed to bring in an omnibus bill some time in the spring, which will take a good deal of care of the occupational health problems; that's what that Act was set up for. But I wonder whether it's really feasible to separate that from the Workmen's Compensation Board, and I'd like a comment from the director.

My point is this: The work situation is one in which you gentlemen are expert. You have more knowledge than anybody else as to what goes on where the worker is. Your claims adjudicators have amassed a tremendous file of facts which cause disorder, disease or what have you, and now we're proposing to set up something else separate from the compensation board which will deal with prevention. Surely one of the lessons medicine has learned is you don't separate cure from prevention.

My concern is whether setting up this type of omnibus activity, and removing it from the compensation board, is going to have a good effect in the long run. Would the director not prefer that the compensation group got more into prevention rather than curative work?

Mr. A. G. MacDonald: Mr. Chairman, I think the minister has said on a number of occasions that it is the intention to use all the resources, all of the statistics and all of the records of the compensation board in the new authority when it is set up. We are quite prepared to co-operate in every way to make certain that all our records are available for that purpose.

Mr. Godfrey: Because of time, I will just make my point rapidly. You know, that's great; it sounds great on paper and it's great around the conference table, but does it really work that way? I insist that you people should be primarily concerned with prevention of disease. You already have your accident prevention group, and I fail to see why that isn't being extended.

In closing, may I ask what are your future plans? Where is the compensation board going?

Mr. Starr: If the resolution submitted yesterday passes—after it's amended, after it is passed and adopted by this committee, and becomes legislation, that's where we are going, I guess.

Mr. Godfrey: No, but what are your plans?

Mr. Starr: Our plans were set out in the task force report. At the end of that is what we foresee in the future; it somewhat coincides with the expression of opinions that has been made here.

Mr. Godfrey: Do you see anything outside of more and more claims? You have already pointed out that we have 30,000 claims and that we have 7,500 coming in per week—a fantastic amount—and next year it will be more. How do you propose to cope with this problem? You cannot go on eternally expanding your organization.

Mr. Starr: But I think we can go back to prevention. I think that the prevention of disease also should be part of our study and our objective, much in the same way as we like to be preventive in the industrial aspect or in any other sector of our economy. The purpose of the safety associations, and our funding of those safety associations for the purpose of education and the prevention of accidents, should be accelerated and kept up. That is about all you can do. I don't think you can legislate that there shall be no accidents.

Mr. Godfrey: I agree, you can't. But you may be able to legislate the way they are taken care of.

Mr. Starr: That's right.

Mr. Godfrey: Have you cost-accounted how effective it would be if you didn't do anything outside of a record of the 7,000 primary claims which are uncomplicated? Supposing you just made a simple record of that. Have

you cost-accounted how much you would save in time and money?

Mr. Kerr: No, we have not done that because, under the Act, they have to be adjudicated; a man's entitled to compensation. At the present time there would be no point in doing that unless someone had a specific objective or thought in mind. We had to adjudicate those claims and those people are entitled to compensation for the period of time they are off work.

Mr. Godfrey: My point is, and I think the chairman himself agrees that obviously we are headed for stormy times and we have to work out different tactics for taking care of these things. I have a tactic, which I am going to suggest in a moment, for taking care of it. I would like to know what you are thinking.

I know you are constrained by the Act, but surely you have a forward-thinking group that says, from a cost-benefit point of view, Does it pay to spend this much time? Wouldn't we be better, as some insurance companies do, simply to pay a lump sum and not fiddle around with all the paperwork? Have you a task force that looks at that?

Mr. Starr: It is always under review and consideration. I really believe that in the field of compensation you can't be standing still; you have got to be susceptible to change, and you have got to accelerate that change at times whenever it is necessary to suit the purpose and the demands of the community.

Mr. Godfrey: Are those internal reports? Are they available? The reports of the deliberations of that task force that's having a forward look at compensation 10 years from now? There are reports, I presume, that are put on your desk every six months.

Mr. Starr: There is no task force at the moment.

Mr. Godfrey: There's no task force looking at where you're going to be 10 years from now?

Mr. Starr: Not to my knowledge. It's a matter of—

Mr. Godfrey: You have one of the biggest businesses in the province and you don't have an ongoing plan for where you're going to be 10 years from now? Are we just going to come back here every year and go through this over and over again? I won't be here, but others will be; are we going to go through this same routine? Surely you have some forward thought as to better ways of doing this, where you say that 10 years from now we want to see claims handled—you brought in the computer yesterday; that's fine, but it won't solve everything. But you don't have a task force that looks at that?

Mr. Starr: Not at the moment.

Mr. Godfrey: May I suggest that a possible solution might be that all accidents in the province, regardless of whether they are in the industrial setting or not, be compensated? Would that seem unreasonable to you?

Mr. Starr: It would be—

Dr. Jacobs: May I comment? Without going back all through this, the whole tenor of it as to where we're going or where you would like us to go—and I think it's fine if you can apply it to the entire populace—is the "womb-to-tomb" philosophy, that you should recompense for conditions that are even not work-related. We should recompense people for carcinomatous lesions of the lung in the non-covered sector as well as in the covered sector. We should pay for almost any condition if it affects the individual and his family. In other words, as I say, we are looking—and I get the general tenor of it—at the general welfare situation. But where do we contribute, where do we get the money from?

Mr. Lupusella: From the employer.

Dr. Jacobs: Just a moment, please, Mr. Lupusella.

Where do we get the money from? Are we all prepared to pay for it? Are you prepared to pay for it individually yourself, Mr. Germa, Mr. Lupusella, Mr. Smith? Am I prepared to pay for it? That is the ideal situation and maybe where we should be going. But the point is, when are we going to arrive at it and how are we going to arrive at it. Are we 10 years ahead of our time in this philosophy? Maybe we are looking at that at the board, and I think we are. I've been there since April and I can assure you that this is foremost in my mind. But I still have to look at where are we going to get the money to do it?

Mr. Lupusella says the employer. I say to you where is the employer going to get it from. He's going to get it from you because it is going to be passed on in the commodity.

As I say, I think everything is fine, I agree with this path if we can afford it. And where are we going to get the money? We haven't

a task force at this particular end dealing solely with that, but I think the gist of Mr. Haggerty's question is apropos of that. He talks about dovetailing all the places where money comes from and he dovetails it for one purpose, namely, to get each and every individual a place on this earth really, a place where he can hold his head up and have the feeling that he is not accepting charity.

I may be oversimplifying it in my statement and maybe I am speaking out of turn, but that is the general tenor of it.

Mr. Laughren: I don't think you are speaking out of turn. It's nice to hear someone at the board with a global view. Where I would disagree with you is that until the board has its house in order and is compensating workers properly when it is related to their job, until you have done that, I wouldn't worry too much about the womb-to-tomb philosophy in our society. Until the board's house is in order, I don't think it should be your concern as to whether or not society wishes to have a comprehensive system or can afford to pay for it; because surely we are moving into a time—I think that Dr. Godfrey mentioned it when he said we are headed for stormy times—where we are just at the tip of the iceberg on occupational health problems. They are going to compound, I don't think we even have any concept of how bad it is going to be.

There is the petrochemical industry, for example. We are just going to start reaching the point where you are going to have an influx of claims from the petrochemical industry, I suspect. It is going to have to be considered as a cost of doing business, a cost of society's so-called progress. I don't think it behooves the board to sit there and be overly concerned about the cost of doing business. In the same way, Mr. Starr's statement about—

Mr. Chairman: Mr. Laughren, Mr. Godfrey has the floor. Then he is followed by Mr. Smith and Mr. McClellan.

Mr. Laughren: You sure know how to cut a guy off in mid-flight, Mr. Chairman.

Mr. Godfrey: As I was saying, I don't think it's appropriate for Mr. Starr to make a comment that levies will have to rise if we are going to continue to pay for all these accidents. I appreciate the fact that he has concern as to where the money is going to come from. But it is still his job to administer the dispensing of it rather than the collecting of it.

Mr. Starr: Which we do.

[11:15]

Mr. Godfrey: I will finish, sir. I am sorry that I have been a little longer because of the interjections. I cannot help but reinforce what my colleague has said. As a responsible member of Her Majesty's loyal opposition, I implore you, for goodness sake, this is going to absolutely balloon. You are going to have two university professors apply for compensation tomorrow after my remarks because these are work-related disabilities they have. More and more people are aware of this fact. Maybe even some of your staff will apply.

An hon. member: And everybody here.

Mr. Godfrey: I cannot point out the enormity of what we are facing. You have to get away from the broken-bone concept of what is compensable. There is the fact my wife is going to leave me because I am down here all the time. I should be compensated for that. That's what it comes down to because that is related directly to my work.

This is not too subtle an argument. As a member of the opposition, we are happy to work with you. We applaud this most recent statement from Dr. McCracken, and we want to see the Workmen's Compensation Board work more effectively. I assure you of our co-operation in that.

Mr. R. S. Smith: I am sorry I wasn't here at the opening. I had to attend another meeting so I missed my turn. I just had one other area that I wanted to cover and I will do it rather quickly. Last night I spoke about the question of the board's ability to come to conclusions as to whether a person is compensable or not. When I came in Mr. Godfrey was asking the same questions along that line, so I got some of the answers I was going to ask.

The other matter I want to bring up is the question of the person who is on a permanent disability pension and applies for computation of that. I would like to know what the ground rules are on which that computation is granted, because I find it's neither consistent nor does it take into account the socio-economic needs of the person concerned which, as you have indicated, are applied in almost every other case in so far as the adjudication of the board is concerned. In the question of computation of a permanent disability pension, the only criterion I have seen is if it will be of assistance in the rehabilitation of the workman. Is that true?

Mr. Starr: Yes, that's true.

Mr. R. S. Smith: That's the only consideration.

Mr. Starr: His interest is uppermost in the mind in the decision.

Mr. R. S. Smith: For example, about a month ago I had three cases before the board in one day, one after another. On one of them, I will grant you, I went there just because the person was insistent on my going. I knew he had no opportunity to win his case. I thought the second one had a fair chance. In the other one I thought that the board with any kind of consideration for a person's socio-economic needs could do nothing else but rule in his favour on computation.

In my area there are many people who do not come under agreements with their employers for provision of long-term disability, and that has concerned most of the people who work in my area. Most of the people who work in my area still are without that type of coverage. When they are permanently or partially disabled, which is a questionable thing which I don't want to start to get into, they receive maybe $110 a month from you people. They then apply for Canada Pension Plan and are usually successful in getting that. On top of that they get family benefits. The total for this one case, if I remember correctly, was $560 per month where there were four children and two adults. He applied for a computation of his disability pension on the basis that he had large debts to pay which were leaving him with a very small amount to live on for a month. It was turned down on the basis that it wasn't in his best interest and that this income should continue in that it had nothing to do with his rehabilitation. I think I quote quite clearly from the decision.

In the first place, the man had developed a very serious heart condition; CPP and the family benefits had both decided he will never go back to work. Obviously the board doesn't take that into consideration and didn't recognize that. If they'd recognized that and recognized the socio-economic conditions of the person, the fact is that any computation would remove his debt and would increase his family benefits. Therefore, the person would be better off by approximately $270 per month as far as the income on which he and his family are to live. So it had nothing to do with his rehabilitation because he's not rehabilitated.

Secondly, there was no consideration given to his socio-economic needs, because if there were, they could only arrive at the one conclusion, that in fact his pensionable amount should be computed and he should be granted the lump sum in order to get him out of the terrible financial position he finds himself in basically because of his injury and the fact that he went for a good long period of time with a very low amount of funds from this board.

I would like to ask you, first, are there any socio-economic considerations at all in those cases? Secondly, if there aren't, which obviously from my point of view there aren't, would the board enlarge the grounds on which computation can be granted to take into consideration the socio-economic needs of the person; and would they make sure that when they make statements as far as rehabilitation is concerned they know what they're talking about?

Mr. Starr: This matter comes under the direction of Dr. McCracken. It's a case in rehabilitation.

Mr. R. S. Smith: It's a board matter.

Mr. Starr: Was it an appeal?

Mr. R. S Smith: It was an appeal to the board.

Mr. Starr: And the board itself ruled on it?

Mr. R. S. Smith: That's right.

Dr. Jacobs: Without getting into the particular case at hand—

Mr. R. S. Smith: But this has happened often.

Dr. Jacobs: As you are aware, I've dealt with many of these in the past 10 years at various levels and we have always operated with a discretion. At times, whether that discretion has been vested in us or not, we have taken into consideration all of the factors you have raised here today, particularly the socio-economic factor as it affects the overall man.

Once again, you are dealing with the discretionary factor I've seen money for the purchase of the home, I've seen money for relieving mortgages, I've seen money going into business establishments and I've seen money going out to what I call the indirect benefits. Indirect benefits to me are as important as the direct benefits to that individual. Those indirect benefits are the man's wife, his children and his status in society. I can assure you, and I can assure you into the future, that in exercising that discretion they will be considered. That's all I can say without particularizing.

Mr. R. S. Smith: I don't expect you to particularize, but that is altogether a different approach to the situation than was given to me as a description of computation by the board chairman. I find that there has been a gradual change within the past year in the disposition of the board towards that type of decision. I don't know whether it's because of the opposition that is being placed before the board by the employer, which the chairman indicated was being done much more strenuously, but in my particular case—I don't read the statistics, because statistics are just a pain in the neck as far as I am concerned; I'd rather deal with people than statistics—I find there has been a different attitude at the board level towards people than there has been in the past.

Dr. Jacobs: I hope that difference, Mr. Smith, is all for the better and the best.

Mr. R. S. Smith: In some cases I don't think it is.

Dr. Jacobs: Of course, that's true. As they say, you can't win them all, nor can you lose them all.

Mr. R. S. Smith: I'm not worried about winning or losing. I don't go there to win or lose.

Dr. Jacobs: It's a philosophy, that's all.

Mr. R. S. Smith: I really don't go there to win or lose. When there is a different application at different periods of time, then I say there's something wrong and there should be a change perhaps not in the way you people operate, because I understand you operate under and within certain regulations, but I say to the Chairman that as far as computations are concerned there should be a different emphasis allowed to be put on the granting of computations. I would ask him for his remarks in regard to that.

Mr. Starr: I would assume that Mr. Smith is saying there should be a more liberal attitude by the board in the requests and that we probably should not consider as much the future of that individual but rather deal with his present desires and requests, whatever the case may be. But we don't only look at his situation now. If it's going to rehabilitate the man properly, if he is going into some sort of business and at the time of the investigation we feel it is a good, sound investment, then the capital will be forwarded. That has been done before, and not all these businesses have been successful, but the case is never closed. The man may have a computation of his whole pension and come back to us after he has gone through all this money, and it's really in his best interests that we make the decision in most cases as the decision is made now.

Mr. R. S. Smith: But I'm asking you to make a change in computation in light of the fact that rehabilitation of the person concerned is not the only consideration. When you do that and apply that criterion, as you do and as you say you do—and you say you do it to protect the individual—in 90 per cent of the cases, I agree with you, it may well be done to protect the individual against himself. But there are those cases where a computation that is not in accord with that definition of why it should be carried out is in the best interests of the workman and costs you no more, insofar as dollars and cents are concerned, if your computation is figured on the basis of actuarial figures, which it is.

I'm asking you if it is in the best financial interests of that person and his family that the computation be carried out—and I'm talking about the long run here; not the short run, but the long run—whether rehabilitation is possible or impossible. In the one case I pointed out—and there are many other cases I have come across—rehabilitation is not in question at all; it's just never going to be there. I'm asking you for a change in the method of dealing with computations to take into consideration those other cases, which occur quite frequently, as I'm sure your board recognizes.

[11:30]

Mr. Starr: You can rest assured that we shall take your suggestion under serious consideration.

We were going to make some comment on the case you brought up yesterday, Mr. Smith. Mr. Reed wants to make those comments in order to clarify the situation, if possible, but at the moment he is out. I wonder, Mr. Chairman when he comes back whether we can just revert for a moment so that Mr. Reed can answer Mr. Smith on that case.

Mr. Chairman: The next speaker is Mr. McClellan. Would that be satisfactory with you, Mr. McClellan?

Mr. McClellan: Okay.

Mr. Starr: It will be short.

Mr. Chairman: Mr. McClellan?

Mr. McClellan: I suppose what I want to do at this point is somewhat hazardous for me, but because the Chairman started off by talking about, as the Globe and Mail said this morning, the money woes of the Workmen's Compensation Board, I want to try to come to some understanding of how you manage this fund. And let me say that if we, as members of this House, think that the administration of the board is something of a quagmire, having gone through your—

Mr. Starr: With which I don't agree.

Mr. McClellan: Absolutely. I understand that. I have heard that very clearly. If that is a quagmire, your financial picture is a veritable swamp as far as I am concerned. I don't think you could possibly present your financial information in a more confusing kind of way. I expect to get confused during the course of our discussion, but I want to proceed anyway.

What I heard you saying, Mr. Starr, when you opened up—and it may be an extrapolation from what you said; I suppose it is an extrapolation—was that one of the reasons you are not willing to raise benefit levels is that you are unwilling to increase assessments.

Mr. Starr: I didn't say that at all. I beg your pardon. I didn't say we don't want to raise benefit levels.

Mr. McClellan: I'm trying to come to some kind of understanding in my own mind about why it is that we have had to wait for so long for a benefit increase. I can only come to the conclusion that you are reluctant at this point in time to increase assessments.

Mr. Starr: I didn't say that. We are in the hands of the Legislature; if the Legislature amends the Act, we have to follow the Act.

Mr. McClellan: Are you recommending vigorously to the minister that the benefits ought to be increased?

Mr. Starr: We haven't made any recommendations.

Mr. McClellan: Are you expressing the kinds of concerns that you expressed in your lead-off statement; in effect, shedding crocodile tears for the industrial sector about the increased burden of WCB costs to industry?

Mr. Starr: No, we are not shedding crocodile tears for the industrial sector at all. What we did was point out the realistic aspect of the whole situation and that industry now is also demanding certain things from us, much in the same way as, on the other hand, the industrial claimants are.

Mr. McClellan: You will forgive me if I interpreted that as shedding crocodile tears. Let me try to proceed. Your auditor said in his report, which is in your annual report: "In my opinion, subject to realization of assessments sufficient to finance existing reserves and commitments," everything's okay.

What I want to get into now is, in fact, whether your assessments are sufficient to finance existing reserves and commitments. Let me ask you a question. Do you regard the Workmen's Compensation Board as an insurance programme to be run on insurance principles?

Mr. Starr: It's a basic principle.

Mr. McClellan: Okay. I understand one of the principles of insurance is that you should have the capacity to wind up your affairs and meet your obligations on a lump-sum payment basis. It's a normal principle of insurance that your reserves ought to be sufficient to meet your obligations in the event that you had to wind up your operations. Would you accept that as a valid proposition if you were an insurance operation?

Mr. A. G. MacDonald: There are a couple of sections of the Act that deal with that which we can quote to you. If you'll just give me a minute, I will get them for you.

Mr. McClellan: It would be helpful for me to know whether you are operating on insurance principles or not. It is hard to assess the financial picture unless I know whether you are trying to operate as an insurance operation or, on the other hand, whether you are operating partly on insurance principles or partly as a government programme which compensates workers but doesn't necessarily operate on insurance principles. It is important that I know that; otherwise I can't assess your financial position very clearly.

Mr. A. G. MacDonald: The aim of our board has always been to be as fully funded as possible in relation to our liabilities. This has been complicated in recent years by retroactive benefit increases, by decisions made to amortize, to capitalize sums over a period of time which has deferred the recovery in relation to the reserve. In fact we are not now fully funded as has been described, but certainly that has always been our aim. The sections of the Act, which I

will quote, suggest that it is our duty to have reserves in the year in which a liability has occurred in order not to unfairly burden future generations of employers.

Mr. McClellan: How do you build your reserves? When you award Mr. A a pension, do you set aside the value of a lump sum permutation of that pension and put it into the reserve?

Mr. A. G. MacDonald: Yes, we do.

Mr. McClellan: That is how you build up your reserve? From what you are saying, I gather that you strive to operate on insurance principles?

Mr. A. G. MacDonald: Exactly.

Mr. McClellan: That is helpful in terms of my being able to make an assessment. I'll come back to that in a second. I have real difficulty in going through the financial data that you have presented because it is very difficult to get a clear picture. You say on page 2 of the text that pension awards and other benefit payments under the Act for schedule 1 and schedule 2 employers totalled $287.4 million in 1975.

Mr. Starr: Excuse me, as Mr. Smith is anxious to get away, I wonder if we could deal with his question.

Mr. McClellan: I would be happy to do so because I am just starting. Let's deal with Mr. Smith before I get hopelessly confused.

Mr. R. S. Smith: He can deal with me privately if he wants to.

Mr. Starr: No, I think in view of the fact that you have put yours on record that we have to reply.

Mr. G. W. Reed: Mr. Smith, I am in a bit of difficulty because I don't want to get into a discussion on the merits of this particular case. I don't want to bring that into the picture at all.

Mr. R. S. Smith: That is what it is all about.

Mr. G. W. Reed: It is also a case up for a hearing on December 20. I don't think we ought properly to discuss the merits of the case, when it is coming on for a hearing and for a decision on December 20. But, let me say this, as a result of the very substantial increase in appeals volume, which I won't go into at the moment, we set up a new process in the appeals system. All appeals that come into the system now are automatically screened on the day in which they come into the system.

Three courses of action may be followed with those cases: One, decisions may be made from file without any hearing; two, a substantial percentage of them may be referred directly to an appeal board for a hearing and not go through an appeals examiner inquiry at all; third, the remainder of the cases go to appeals inquiries. In the particular case you raised, it went through this screening process and it was concluded that it was a proper case for inquiry and not a case that could be decided from file. Again, this is where I'm in some difficulty in dealing with your particular problem. It was concluded that it was necessary to have an inquiry in this case and that it could not be decided purely and simply on the evidence that was already on file.

I can say to you that the reason or the point that is still to be decided is the one that was the basis of the claims review branch decision on September 20. In the opinion of the people who screened this case, that is still a matter in issue; and that, substantially, is the purpose of the inquiry on December 20.

Mr. R. S. Smith: Could you tell me what that matter at issue is?

Mr. G. W. Reed: That's not what I want to get into. That's what I'm trying to avoid.

Mr. R. S. Smith: I don't know what it is—

Mr. G. W. Reed: You do have the claims review branch decision. I'll be glad to discuss this with you privately, but you do have the claims review branch decision and it's outlined in the concluding paragraph of that decision. That is the issue, but I'll be glad to talk to you about it privately. I don't think we should discuss it in a public forum like this; it is a matter which is still up for decision.

Mr. R. S. Smith: If we're not going to discuss that, then we can't discuss the efficacy of the medical opinion that's been given; and that's where the question is.

Mr. G. W. Reed: I say that—

Mr. R. S. Smith: If you want to discuss that, I think we should discuss that publicly.

Mr. G. W. Reed: That is a matter that's still up for decision. It's going to have to be decided.

Mr. R. S. Smith: I stand behind the efficacy of those two doctors and obviously you don't.

Mr. G. W. Reed: I'm not saying that in any way, shape or form.

Mr. R. S. Smith: The board doesn't.

Mr. G. W. Reed: I'm not saying that the board doesn't.

Mr. Laughren: Do you believe in the benefit of the doubt, Dick?

Mr. R. S. Smith: If it's one way, obviously. But that's the question—

Mr. G. W. Reed: Yes. And there's certainly another issue at stake, too, that was the basis of the Claims Review Branch decision.

Mr. R. S. Smith: That's fine. If that's all we're going to table, that's fine.

Mr. McClellan: Aren't you glad you waited around?

Mr. G. W. Reed: Mr. Chairman, speaking now as a lawyer—and I happen to be a lawyer—I think it is not proper under any circumstances to discuss a case or the merits of a case which is presently in the system and which is going to be decided upon. I'm afraid that I have to take that position, because if we discuss it we're going to be accused of making decisions in advance of the hearing—

Mr. Laughren: It's not a court of law.

Mr. G. W. Reed: —and that surely is not a proper way in which to conduct appeals.

Mr. McClellan: It is an adversary question.

Mr. G. W. Reed: It isn't.

Mr. Laughren: It isn't a court of law either.

Mr. R. S. Smith: Let me put it to you this way: The board has the right to change that decision; the board goes through that process, and that's what I was asking you to do.

Mr. G. W. Reed: All right. Under our new system, yes, the board certainly had the right of changing that decision without going to a hearing. We have adopted that process and we are doing it in a number of cases. Where it comes into the appeal system, and there is no inquiry and no appeal board hearing, the decision is made from file. We are doing that in a number of cases.

Mr. Laughren: That's all we're doing here today.

Mr. G. W. Reed: I'm saying to you that it was concluded in this particular case that such a decision could not be made without a further inquiry.

Mr. R. S. Smith: I would like to know why that conclusion was arrived at.

Mr. G. W. Reed: I am not going to discuss the merits of a particular case in public. I think it would be highly improper.

Mr. R. S. Smith: Okay. But just tell me privately.

Mr. G. W. Reed: Oh, yes, I will do so.

Mr. R. S. Smith: Nobody's been able to find that out.

Mr. G. W. Reed: All right. I'll be glad to do that, sir.

Mr. R. S. Smith: That is the hub of the matter.

Mr. Laughren: Then you'll come and put it on the record.

Mr. R. S. Smith: I'd like to know.

Mr. Starr: He doesn't want you to know.

Mr. G. W. Reed: I'll be glad to go out now and discuss it with you, sir.

Mr. R. S. Smith: Okay.

Mr. McClellan: If we can leave the quagmire and go back to the swamp—

Mr. Chairman: Mr. McClellan?

[11:45]

Mr. McClellan: Thank you. I was saying I understand, from page two of the text, that the pension awards and other benefits for 1975 were $284.7 million; I've used that figure since it's in the text. I have two concerns that I ought to state right at the outset and then I'll give you my understanding of your financial picture.

My first impression, after going through this innumerable times, is that you don't collect enough money in assessments to pay your cash obligations on an annual basis. Second, you don't have enough money on hand to settle your obligations in accordance with the established traditional insurance principle that you should have the capacity to wind up.

Let me give you what I understand the figures are, and then maybe you can respond to that. On page two of the financial statement in your annual report—do you understand where I am? It's the Workmen's Com-

pensation Board statement of income, expenses and contingency reserves; schedule one, accident fund.

Mr. A. G. MacDonald: Mr. Chairman, while I have my fingers in the sections, do you wish me to quote the sections that are pertinent to this at this point?

Mr. McClellan: Just give me the references to the Act.

Mr. A. G. MacDonald: The reference number in relation to our duty to reserve in the year of the liability is section 84. The section which covers our ability to assess subsequently, if that is insufficient, is section 103. The section which specifically deals with the situation where retroactive increases in compensation are made subsequent to that time is section 34. And there's another section, section 108, which deals with the responsibility of the Superintendent of Insurance if we have insufficient in reserve.

Mr. McClellan: Okay. Thank you. On page two of your financial statement, you list your income from assessments as $327 million. However, my understanding is that after you make a series of deductions, the actual income from assessments, that you have available to meet your obligations is only $287 million. You deduct a substantial amount, I assume because it's not available to meet your current cash obligations on an annual basis, and you are then left with $287.4 million in net assessment that can be applied as income against your annual costs—

Interjection.

Mr. McClellan: Let me proceed through and then you can respond. If we take that as your assessment income, then deduct the $284.7 million which you said on page two was your accident and pension costs for the current year, and add in your administrative costs and other expenses of $41.8 million, that leaves you in a deficit position of $39 million, which I understand that you've paid out of your contingency reserve. The fact still remains, as far as I'm concerned, that your assessments are not producing sufficient income revenue to meet your current cash obligations on an annual basis.

Mr. A. G. MacDonald: That was correct for the calendar year 1975.

Mr. McClellan: Why was that?

Mr. A. G. MacDonald: Quite simply it was because of the benefit increases which were made on a retrospective basis but which we had yet not the opportunity to assess for.

Mr. McClellan: Yes, but you have a variety of ways of deferring and amortizing those retroactive and legislative increased benefits. You have a variety of ways of dealing with that. I don't understand why you would incur a deficit in your assessment income in any year.

Mr. A. G. MacDonald: In fact, we're not suffering a cash deficit as such. If you want to look at it from that point of view, in terms of the pickup that is going into reserves, in fact there is quite a substantial increase even in the calendar year 1975 and certainly much more substantially than that for 1976 and 1977.

In terms of recovering the funds for which we now have actuarial estimates, in terms of our full liability for the future, our assessment rates this year are just breaking us even for 1976 liabilities. It will not be until 1977 that we start to recover against our outstanding total deficit of unfunded liability.

Mr. McClellan: I understand that. Then that substantiates the concern I expressed earlier that your financial position is sufficiently askew that you are reluctant to consider a benefit level increase at this time because you would then run into additional problems.

Mr. A. G. MacDonald: Not at all. Our problem is a matter of balancing burden. It's just that simple. To what extent can we afford to defer to future generations of employers the liabilities of today? I think it would be useful if I asked our actuary, who is here today, if he would give you a breakdown of the unfunded liability, just where it came from and the reasons for it. It really arises completely out of retrospective benefit increases and the effects of inflation, which every pension fund in the country is having to deal with as it relates to the earning rates of investments and inflation.

This is not in any way an unusual situation for an organization like ourselves to find ourselves in. Every compensation board in Canada has exactly the same problem. We have been discussing it with them at great length. If you look at the balance sheets of those funds, you will find deficits varying from $200 million to our situation. It is a perfectly normal situation in these days of the recognition of the need to index pensions. There is even a need to index

compensation payments, coupled with the effects of inflation and interest earnings.

Mr. McClellan: But they're not indexed? What do you mean by indexed?

Mr. A. G. MacDonald: They have been indexed. There was a 60 per cent indexing, plus a further 10 per cent which had to be funded.

Mr. Laughren: But there's no automatic indexing.

Mr. A. G. MacDonald: It was done by legislation. It's been done regularly in that sense recently.

Mr. McClellan: Up to now it seems to have been done regularly. It certainly hasn't been done this year.

Mr. A. G. MacDonald: I agree it hasn't been done yet for 1975-76. Mr. Neal, would you like to explain?

Mr. Neal: Yes, I would like to get to that.

"(a) In 1965 whilst reviewing with the Ministry of Labour the significant costs involved with respect to the 1965 amendment dealing with pensioners, it was concluded that the impact on assessment rates should be spread over 10 years by amortization. As at the end of 1975, this policy accounts for $166 million of the board's unfunded liability."

Specifically, $84 million remains from the 1975 amendment; $36 million from the 1974 amendment; $35 million from the 1973 amendment, and $11 million from the 1971 amendment.

"This unfunded liability is fully provided for within the current assessment rates. In particular, a charge of some $26 million is included in the 1976 rates, which amounts to 11 cents per $100 payroll or just over six per cent of the gross assessment rate.

"(b) In 1975, temporary benefits were also increased. Due to the short-term nature of this liability, the funding was put on a pay-as-you-go basis."

To make a comment there, if we were to amortize it, the money would come in at a slower rate than on a pay-as-you-go basis.

"As at the end of 1975, this policy accounts for $42 million of the board's unfunded liability.

"(c) Prior to 1975, the board's policy, set up on the advice of its consulting actuary, was to make no allowance for the effects of inflation subsequent to the date of accident. In 1975 it became apparent that this policy was no longer appropriate and that the effects of inflation up to the end of 1975"—and, I would make the side comment, not subsequent to 1975—"as it affects future payments should be included in the computation of the board's 1975 year-end liabilities.

"The restatement as at the end of 1975 accounts for $100 million of the board's unfunded liability."

"(d) The pre-1975 policy outlined above also resulted in benefits paid out, up to the end of 1975, exceeding the reserves held to meet them. As at the end of 1975 this, less the amount recovered from intervening assessments, accounts for $30 million of the board's unfunded liability.

"(e) Consistent with the policy above, it was board policy prior to 1975 not to allow for changes in the average duration of a claim. This policy has also been altered so as to allow for changes between the date of accident and the end of 1975.

"The restatement as at the end of 1975, plus the net loss from prior years, accounts for $50 million of the board's unfunded liabilities.

"(f) Miscellaneous items such as interest on the restated unfunded liabilities, increased benefit payments resulting from non-quantifiable amendment and changes in social attitudes not covered under (e) are estimated to account for the remaining $12 million of the board's unfunded liabilities, giving a total unfunded liability of $400 million.

"In summary, the board's unfunded liabilities, which are not covered by specific levies within the current assessment rates are: Pay-as-you-go of non-pensioners re amendments, $42 million; restatement re inflation at the end of 1975, $100 million; past unrecovered losses re inflation, $30 million; restatement and past losses re duration of claim, $50 million; miscellaneous, $12 million; for a total unprovided, unfunded liability of $234 million.

"In addition there is unfunded liability of $166 million relating to amortization of pension amendments which, as stated above, is covered under the present assessment rates via an allowance of 11 cents per $100 of payroll. If this allowance is not reduced as each 10-year amortization period expires, then the $234 million of liability under items (b) through (f) will be funded by the year 1995 or earlier, i.e. equivalent to an amortization of the entire unfunded liability of $400 million over a 20-year period."

It may be of relevance to you to note that these actuarial computations, as I said, have not allowed for future inflation; in other words, if the Legislature makes increases to benefits to existing claimants and so on,

these liabilities here make no allowance for that. We are not second-guessing.

Mr. McClellan: I'll read the Instant Hansard to see what that means.

As they say, moving right along—

Mr. Starr: If it would be helpful, instead of waiting until Hansard comes out, Mr. Neal can provide you with a copy of that statement.

Mr. McClellan: That indeed would be helpful and I would have a chance to go over that. It shouldn't take me more than five minutes to absorb it.

Mr. Neal: It took me 18 months.

Mr. Chairman: It's now 12 o'clock.

Mr. McClellan: Right: I understand that. When we resume, I want to raise the second part of my concern with respect to the reserves.

Mr. Chairman: I will now leave the chair, and we will resume after the question period.

The committee recessed at 12 noon.

APPENDIX B

Standing Resources Development Committee

WEDNESDAY, DECEMBER 15, 1976

The committee resumed at 3:07 p.m.

WORKMEN'S COMPENSATION BOARD (continued)

Mr. McClellan: I will begin, although I will defer to Mr. Lewis when he arrives. But I did want to continue the line of questioning I had started to satisfy myself that the fund is in fact operating on insurance principles. To the extent that I understood it, I was reasonably satisfied with the material provided by the actuary and I'm grateful for it. I wanted to review the second matter I had referred to earlier, which was the amount in reserve available, on insurance principles in case you wanted to wind up. I calculate a shortfall of some $300 million from your statements—a $300 million difference between amounts owing in pensions and amounts available in pension funds. I could quickly run through them.

Mr. A. G. MacDonald: Are you suggesting it is a shortfall for pensions alone?

Mr. McClellan: Let me run through the figures and then you can tell me if I'm wrong or not. Firstly, in your pension fund you state on page 10 of the financial statement on pension transactions that the total amount owing to pension recipients is $610.5 million. The total amount in the pension fund, which I assume covers that, is $444 million for a deficit in the pension fund of $166.5 million. Secondly, in the outstanding claims fund, you state on page 11(2) in note 3 that the total amount of future costs of existing claims is $367.4 million. Going back to page one of your financial statement, the total amount in the outstanding claims fund is $250.6 million for an additional deficit of $116.7 million. I then add those up to arrive at a $283.3 million deficit between pensions and claims owing and amounts available in the respective pension funds and the outstanding claims fund.

Let me ask one question which you may be able to clear up quickly. Am I correct that this deficit situation exists for the year 1975?

Mr. A. G. MacDonald: Yes, you are correct.

Mr. McClellan: Will that continue in additional years or is that something that was covered? Without getting into a long explanation, I just want to know whether that's a temporary phenomenon, or something that's going to be with us for some time. In other words, are you eating into your reserves to meet claims?

Mr. A. G. MacDonald: I will ask Mr. Neal to deal with that.

Mr. Neal: If I may take that, your mathematics are correct, except that in actual fact the unfunded liability is $400 million rather than $300 million. Where we show our liabilities and reserves on page one, you will note we specifically use the word reserves rather than liabilities for items of outstanding claims et cetera. The reason for this was that at the end of 1975 neither myself nor our consulting actuaries were prepared to state exactly what the liabilities were with regard to the outstanding claims. If you note in some of my remarks in this note, we said that the board was changing its policies with regard to recognition of incurred inflation. By the end of April 1975 we were not satisfied that the figure which, even at that point was $400 million to the extent that we were prepared to certify it.

We felt that we would be misinforming the public if we published a figure that we were not completely satisfied with. Therefore we had long discussions with our external auditors and the provincial auditors to convince them that the most appropriate approach was not to publish a figure this year because it would be misleading. In actual fact, our unfunded liability is the $400 million contained in the memo that I read this morning as opposed to the $300 million which you correctly added from page 10, plus footnote three. If I may reiterate the final paragraph of what I read this morning, I said if this allowance is not reduced, and this allowance is the additional 11 cents per $100 of payroll, which is included in the assessment rate, in addition to those moneys required to meet the cost of 1976 accidents, so that there is a surcharge if you wish, if this surcharge is continued for a period of 20 years, we will have retired our present unfunded liability computed on the basis of a wind-up, which is the situation you are referring to.

Mr. McClellan: In other words, the deficit position would gradually be reduced.

Mr. Neal: It will be reduced each year.

Mr. McClellan: But still, each time there is a legislated increase, we cut back into the reserve fund.

Mr. Neal: And we will have to put a further margin into our assessment rates at that time.

Mr. McClellan: And open that gap again.

Mr. Neal: We have, I might say, considered the possibility of prejudging amendments and perhaps saying that increases in benefits due to anticipated future inflation which, of course, is also reflected in our investment returns, which are much higher than they would be if the market did not assume there would be future inflation—we have considered the possibility of either reducing our rate of discounting for our liabilities or, conversely, assuming a five or six per cent per annum increase in benefits, say, but at this point we have considered that as not appropriate.

Mr. McClellan: Maybe I should direct my question this way: Aren't you concerned about the size of that particular deficit if you are trying to run the thing on insurance principles? And wouldn't that lead you then to question the adequacy of the assessment rates?

Mr. A. G. MacDonald: The assessment rates, we have already predicted, will be inincreased to speed up the recovery that Mr. Neal has just described as being accomplished with the present rate over such a long period. We will be increasing the rates more rapidly to make that recovery.

Mr. McClellan: I hope so, because it is very important to us—just so you will understand the basis of the concern—it is very important to us in this party that the insurance principle be maintained.

Mr. A. G. MacDonald: We have predicted to industry that there will be approximately a 15 per cent annual increase for the next several years.

Mr. McClellan: I don't think, if I may, that the assessments are adequate enough or, in fact, that the assessments are high enough. There's the additional argument, of course, that assessments ought to be sufficiently high that they hurt as a positive disincentive to unsafe work practices. Both on the grounds of responsible financial management of the board and by way of encouraging employers to really be serious about industrial safety, I think that the assessments need to be raised.

You have to understand that the Legislature is going to be insisting during an inflationary period on regular cost-of-living increases and there are only a limited number of ways of raising the revenue. You can't take it out of your reserves. You are either going to have to take it out of assessment or you are going to be in the position of having to come to general revenue to supplement the thing, and we don't particularly want to see that happen.

Mr. A. G. MacDonald: I believe Mr. Neal wants to make a comment.

Mr. Neal: Since I arrived at the board, we have instigated a programme where we talk to employer associations twice a year; during these discussions we have attempted to explain how we set our rates. Many of our employers, we are pleased to say, understand the concepts without necessarily the fine mathematical details. Most employer associations are saying to us, "Provided you do not increase the assessment rates year over year too rapidly, we are in complete agreement with you that the present level is inadequate. But we all recognize that the Act has its burden of one generation of employers with another, and we feel that it would be inappropriate to accelerate the rates over a very short period of time; we consider that we should be phasing in. But we would look for, perhaps by 1980 or 1981, all unfunded liabilities to be retired over a period of less than 10 years." Industry is in complete agreement with us on this matter.

Mr. McClellan: I'm sure they are. I'm not satisfied that that's adequate.

Mr. Neal: That unfunded liabilities should be retired over a period of up to 10 years?

Mr. McClellan: No. The converse.

Mr. Neal: That 20 years is too long?

Mr. McClellan: Yes.

Mr. Neal: We and industry are in complete agreement with you.

[3:30]

Mr. McClellan: Let me drop it at this point, because there are some time constraints. I may or may not pick it up again, but I appreciate the opportunity to look at this.

Mr. Chairman: Mr. Riddell is the next speaker.

Mr. Mackenzie: Mr. Chairman, on a point of order. I'm seeking a clarification as a result of a question I asked last night about

the shortage of claims officers in the Hamilton area and that there was a problem in that particular area. I was pleased this morning to have Dr. McCracken tell me that they would be appointing two new claims officers immediately in the Hamilton area. What disturbed me was to hear from the press a short period later that the Chairman of the board, Mr. Starr, denies that any appointments are going to be made in the Hamilton area. I would like clarification on that particular point.

Mr. Kerr: I believe that you meant me, sir, rather than Dr. McCracken.

Mr. Mackenzie: Yes.

Mr. Kerr: I reported yesterday that we had four over there. On checking this, when I went back to the office this morning, I learned that we are sending two more over because of the work load. Right now we have 71 claims in that area that are waiting for investigation, and we are sending two additional claims investigators over there to help clean up. I also mentioned that we had vacancies which we are filling over there. I don't know if my words were misconstrued or if I didn't do a good job on communication, but that's what the story is. We have vacancies to be filled and we are sending two people over there to help clean up the backlog.

Mr. Starr: I have already explained to Mr. Mackenzie verbally and personally, but maybe for the record I should say that I received a phone call from a radio station. They asked me if we were going to increase the staff at the Hamilton office. I said that to my knowledge there were no plans to increase it, but if vacancies occurred then we would certainly offset them immediately.

Mr. Mackenzie: I was happier this morning. I clearly understood that it was an increase of at least two claims investigation officers.

Mr. Starr: The two claims investigation officers are going there to help clear the backlog, but they are not going to be there at all times.

Dr. McCracken: Mr. Chairman, just for some further information to the member, I received a telephone call from CKOC about this. I told the reporter that to my knowledge I had not entered into conversation with you about this, but I was sure that when you were talking to him you must have been referring to Mr. Kerr; so he got that straightened out.

Mr. Riddell: Mr. Chairman, I am going to be very brief. I did indicate this morning I would relinquish my time to the leader of the official opposition because I know that the schedules are very tight that leaders follow.

I just want to indicate that I am not going to be so quick to condemn the staff of the Workmen's Compensation Board. I have found that the administrative assistants are generally quite co-operative, although I realize they are really only the liaison between the persons who are actually handling the files and those of us who inquire from time to time about a particular file.

I have found, however, that there is an attitude of indifference and complacency on the part of the people on your staff who are handling the files or processing the claims. The attitude seems to be that they're working with files and not with people. There doesn't seem to be any feeling towards people at all and the suffering that they undergo while waiting for a decision as to whether their claim is going to be approved or denied.

It also seems to me that the files are only looked into when a complaint comes in from, say, a member. When we complain about a certain person's problems, we will get an answer. But then, it seems to me, the file is then tucked back in to the drawer again; there's no follow-up until we phone two or three weeks later, or a month later, as the case may be, and then they pull the file again. This is why I say there certainly seems to be an attitude of indifference and complacency.

Just to give you an indication of that attitude, I am going to read parts of a letter that I sent to Mr. Starr because I was really annoyed about a particular claim by one of my constituents which had its beginning back on July 16. I indicated to Mr. Starr: "I am once again writing to you to bring to your attention the manner in which a claim by one of my constituents was handled by your staff. It took them more than four months to decide that my constituent was not eligible for compensation. While the board was casually coming to a decision, Mr. Jim Taman of Goderich, exhausted his funds and experienced extreme anguish because he is unable to work. He has a wife who had undergone major surgery recently, who has only one kidney, had a bladder removed and has a retarded son, as well as two other children that must be provided for. Mr. Taman received $145 every two weeks from the municipality, and on this he must feed his family, provide medication for

himself and for his wife, whose medication bill is enormous, and pay off a mortgage.

"The manner in which your staff handled this claim is absolutely inexcusable. They were apathetic and indifferent. It was just another claim, another file to be handled. It did not occur to them that this was a man who happened to be ill and unable to help himself, who not only suffered physical pain but mental anguish because he cannot provide for his family, a sick wife, and is about to lose his home because he cannot keep up the payments on his mortgage.

"The person in your office, whose name the Tamans unfortunately did not get, was quite huffy in Mrs. Taman's words, when he advised them that the claim was denied. He would not tell them the reasons for the denial, but said they will get a letter and so will their MPP. I must say, though, that Mr. Bill Cziranka and Mrs. Conway have at all times been very helpful."

Are they in the room tonight by any chance? I'd like to meet them sometime because they are quite co-operative. As I say, I am not going to condemn your entire staff because I think there are some people that are good over there.

To continue from my letter, "If the reasons for the denial were well founded why was the file not handled more efficiently? Why was Mr. Taman kept in this uncertainty and suspense? Why did it take more than four months to reach a decision? In previous conversation with your staff, they have indicated that the injury to Mr. Taman's right knee could not have been related to the accident in which the left knee was injured. Yet they treated this claim under the old claim number. The new claim set up was cancelled. They inferred that the injury to the right knee could not have come about gradually. Yet both Dr. Fowler and Dr. Lynch agreed that this injury is related to the original accident and that an injury of this nature can be brought on gradually.

"Both doctors have informed your staff of this. Mr. Taman's own physician, Dr. Lynch, feels strongly that this injury is a result of the first accident and has told your staff this. He admits it is hard to prove. He said that Mr. Taman complained of his right knee shortly after his left knee was operated on and it became progressively worse. Why, if there was such a difference of opinion, did your staff not contact Dr. Fowler to iron out the differences? Why did your staff not get Mr. Taman in to see one of your own doctors?

"It is clear that this claim was not given the consideration it deserves. Because of the length of time and the total disregard by your staff of Mr. Taman's difficulties, I would appreciate anything you can do to have this file reviewed and to give Mr. Taman due consideration and a favourable decision which this claim deserves."

That is just a typical example of how claims are handled in your department. I don't know whether it is a case of the left hand not knowing what the right hand is doing over there, but it seems to me that the claim has to go from one desk to another desk. One of your staff members admitted finally in this particular case that it was definitely neglect on the part of your staff that this went on for four months. The doctors sent in four reports, and for some reason those reports sat on the desk of one of your staff members. That is why I say you look upon these people as nothing other than file numbers. You do not take into consideration that these people are back home suffering, while you people somehow or at some time decide to get around to looking at that particular file and making a decision as to whether he is going to be granted some kind of assistance.

As I have indicated, there doesn't seem to be any follow up. If we inquire as to a particular claim or a file number, we will get a short answer. I have received letters from you, Mr. Starr, in which you acknowledge my letter and you will be getting back to me. There are a couple of occasions on which I am still waiting to get an answer from you as to why a claim was denied or why it's taken so long to process a claim. In some cases, you had one of your staff members write to me and all he indicated to me was that the claim had been denied. He didn't give me any reasons for it being denied and I find that this way of handling our inquiries and the way of handling certain claims is inexcusable. I would hope that something could be done, the process be made less complicated, if that seems to be what the problem is.

Mr. Starr: I am perturbed about the fact that you say you haven't received a reply to letters you addressed to me which evidently have been some time ago. I would be very grateful if you would give me the dates of those letters you wrote and the claim numbers and the names of the persons you wrote about. I apologize if that is the case and I will see that it is done.

Mr. Riddell: I have made a note here that I wrote to you for an explanation on a particular claim. You acknowledged my letter.

Bill Ziranko followed it up enclosing a copy of the denial but to this day I still have not received a reply from you or why in this particular case it took more than two months for the board to reach a decision. I can certainly go back to my files and find out—

Mr. Starr: What was the date of the letter you read now?

Mr. Riddell: I just made a note of this. I haven't got the date here but I can certainly get it for you. As I say, I would appreciate an answer because my constituents are also waiting for me to give them some kind of an answer. If I don't know what the answer is, I don't see how I can give them much satisfaction.

Mr. Starr: I will make sure you do.

Mr. Riddell: Thank you.

Mr. Starr: May I just—I am sorry, Mr. Lewis.

Mr. Lewis: No, go ahead.

Mr. Starr: Your remark indicates that adjudicators look upon a claim as a piece of paper. I want to say to you, in all sincerity, that on the 11th or 12th week of their training period, I am asked to come to speak to them and I have done so now for the past year and a half. I try to point out to them that it isn't a piece of paper—it is a Canadian, an injured worker in Ontario who has a family and that is the basis on which they should look at it and adjudicate. Mr. Kerr has also spoken to them as executive director and he follows the same line, and it isn't a piece of paper and that's not the way they should look at it. They should look at it with compassion for a man who has been injured.

Mr. Riddell: I appreciate that.

Mr. Kerr: May I have that claim number afterwards? I'd like to add that when we run across that, we take prompt action with the individual concerned because we don't want that to happen in the first place and certainly it's not to happen in the second place by the person who is responsible. If afterwards I might have the claim number, I would appreciate it.

Mr. Riddell: Thank you.

Mr. Laughren: Every time you get a file number in this committee, it's resolved. It's a beautiful set up.

Mr. Chairman: Order, please.

Mr. Starr: I suppose what you are trying to say, Mr. Laughren, is that 398,000 claims aren't resolved in a year.

Mr. Lewis: No, I think what Mr. Laughren is trying to say—and I suppose it's fortuitous because it is in a sense what I would like to try to say, Mr. Chairman, through you to Mr. Starr—is that those claims which can be resolved fairly simply and easily—84.3 or 83.4 whatever the percentage was which was used here this morning with Mr. Godfrey—those kinds of claims do get resolved because although they are terribly serious for the injured workman, they involve no severe complications in their adjudication. Those many thousands of claims which involve complication seem to create enormous difficulties at the board.

Mr. Starr, to you through the chairman of the committee, I have no doubt that when you speak to the eventual claims officers and employees of the board, charged with important responsibilities, in the 11th or 12th week of their training, you do it with the best intentions in the world. I have no doubt that Mr. Kerr does exactly the same. But somewhere, Mr. Starr, there is a serious breakdown and I can only assume that it is at the senior administrative levels of the board because somehow attitudes have to be transmitted to the working staff. They do not acquire them themselves.

[3:45]

I really don't want to fight with you today. I feel in an adversary position the moment I walk in the room because, like every other member of this Legislature, I am pretty emotionally pent-up about some of the things which we run into where the board is concerned. I don't know whether I can reach the Chairman of the Workmen's Compensation Board through the committee but if I can, and with as much genuineness as I can muster, I want to say to you that between the working level of the board and the Chairman, there is a breakdown.

It doesn't exist in the senior appeals areas where much of the most scrupulous readjudication occurs but somewhere in the administrative bureaucracy of the board, attitudes are conveyed which are destructive of injured workmen. It is possible, I suppose, for the Chairman of the board, Michael Starr, to feel that New Democrats are congenitally addicted to criticism of the board and of the government. But I want to remind you that there are a great many Liberals in this committee and Tories in this committee who have the same qualms.

The description which Jack Riddell raises with you in the letter he was forced to write; the extremely fine letter which Hugh O'Neil wrote to you—the Liberal from Quinte—documenting his enormous frustration on individual cases with the board; all of the material which we convey to you, day in and day out—and I am sure government members do, too—dealing with delays; dealing with frustration; dealing with matters of benefit of the doubt; dealing with cancellation of cheques without advance notice to the workers; dealing with this whole multiplicity of issues which parade themselves time and again, year after year, at this committee surely it must make you stop and think that not all of the members can be engaged in a vendetta? Not all of the members can be given to error? They must be speaking to something which is real and what is real is an area of insensitivity in the Workmen's Compensation Board which makes it difficult for the board to respond to more awkward or complex cases. It's really a matter of attitude. It's the way we come at things.

When you opened these hearings yesterday morning, Mr. Starr, through the chairman, you said on page 6 of your report that the cost of compensation claims continues to rise; then you said, "Part of this trend is due to legislative benefits increased in prior years particularly those that have retrospective features; part is due to the impact of inflation but it is also a fact that the average length of disability has risen from 26.8 days in 1973 to 33.2 in 1975."

"I am not suggesting there is an increase in fraudulent abuse or malingering but I would suspect that attitudes towards work and social benefit systems, such as compensation and Unemployment Insurance, have changed in recent years and that today's benefit levels have reduced the economic pressures of earlier times." The first time I have ever heard you speak as a Tory. It's almost refreshing that you can discard your dispassionate guise and emerge with political convictions. I have no objection—my God, you are entitled to them—

Mr. Starr: It's realism.

Mr. Lewis: —but were I and my colleagues coming to these realities, we might look at other matters. We might say to ourselves that since 1973 there has been a phenomenal emergence of the union of injured workmen; of injured workmen's consultants; of all kinds of groups, all over the province, finally fighting for people and getting them the rights they are entitled to.

Since 1973, as a result of legislative debate, the awareness of entitlement has improved appreciably, considerably, across the province and people are now getting from the board what before they could not receive either as a result of the board's behaviour or as a result of their own ignorance. Since 1973, the agreement to compensate for industrial and occupational health claims has accelerated at an unusual rate and obviously, therefore, when it is averaged out these prolong the length of the claim.

In other words, I suppose one could say it's not likely to be malingering; it's not necessarily fraudulent abuse—maybe it's attitudes towards social insurance but maybe it's something else. Maybe the public is aware, as a result of the previous failures and obstructive behaviour of the board, what they are entitled to by the whole range of champions who have emerged across the province, not legislators but groups.

Mr. Starr: And section 41.

Mr. Lewis: People like my colleague, Tony Lupusella, of Dovercourt, who performed that function before he ever entered this Legislature. He spent most of his life battling with the Workmen's Compensation Board on behalf of injured workers. That is a reality to which you do not allude, because that is a perspective which your board finds it difficult to concede.

Let me try to put it in more specific terms. I sat here yesterday and listened to my colleague from Dovercourt document the case of Carmelo Longo, and I listened to some of the questions that were asked about the time and where the adjudication level occurred and so on. I didn't hear it in those terms at all. We weren't reaching the people in the board. When Tony—forgive my familiarity—when my colleague from Dovercourt was talking at levels of entirely different perception what he was saying, as I heard him, is that it is almost immoral for seven years to lapse over that kind of claim. What I heard him say was that there were biases built into the board in the way in which it looked at the injured workman.

Come now, Mr. Chairman, board consultants who talk of malingering when they have got psychiatric reports talking of hysterical and psychogenic disorders. Really, Mr. Chairman, you have to ask yourself about the attitudes of the board. I heard Tony Lupusella talking about an Italian worker whom the board looked at, to use Jack Riddell's phrase, as a case file, never quite understanding the context in which the

man found himself and therefore always nit-picking, always begrudging, always reluctant to give him his due, until finally it had to go to the ultimate appeal, and then he won, more or less. He was still denied the 100 per cent he is entitled to, but he got a little more.

You have to ask yourself, what is it about those attitudes in the board to which my colleague referred? When my colleague from Hamilton East was talking to you about the coke oven workers and the original claim from Hayashi, he was talking about an attitude. I think—I hope I don't betray you—that you have already indicated to my colleague, Bob Mackenzie from Hamilton East, that you are pretty unhappy at the way that first case was handled.

Mr. Starr: It was a bad investigation.

Mr. Lewis: It was a bad investigation. Mr. Chairman, why was it a bad investigation? If it happens in an instance as profound and as important as that how often does it happen elsewhere? And why does it happen? You have got a case of potential occupational disease in an area which has been a matter of public controversy for several years in Ontario; it involves coke ovens, no less, exposure at a battery plant, and the case is handled shabbily? It's a matter of attitude at the board.

As I heard my colleague from Dovercourt yesterday he was conveying to the administrators of the board, and more particularly to the Chairman in whose hands lies ultimately the right to change it all, he was saying something is wrong with the way you see these injured workers. Because, by God, as a layman, had I been on the board in a senior position and heard of somebody from Hamco in a battery plant which closed down in 1961 who had contracted lung cancer and died in 1966, I would have twigged instantly to the enormous implications that kind of thing has in the light of what we know about everything else in the province. I would have been on that defunct plant for records, for nominal roles of workers, for every scratch and stitch of evidence we could lay our hands on.

Not so, though. Not the way the board works. A very peculiar phenomenon. I don't quite understand it. It all draws vividly for me when I look at Carmelo Longo and when I look at Hayashi, into the range of experience we have. I sat in our caucus room four days ago, with my colleague Tony Lupusella, my colleague Tony Grande, my colleague Odoardo di Santo, my colleague Ross McClellan, and the workers who had been fired from Premier Picture Frame. I sat and chatted with them as one would normally chat, and I remembered the news stories. I remembered how the owner of the plant had said they were malingering, they were lazy, he had to get rid of them. I remembered how the board largely agreed with his position. I remembered Dr. Bette Stephenson got up in the Legislature and defended that position and I looked hard and toughly around me at those 15 or so workers sitting in that room, talking in their native language, translated along the way, feeling strongly, and I want to tell you, I didn't believe it for a moment. I just didn't believe it, and that may be something wrong with my attitude or that of my colleagues, but I listened to those injured workmen and their spokesman and everything they said to me rang true.

I want to tell you what I believe happened at Premier Picture Frame. They were exploited, they were used, they didn't receive appropriate rehabilitation backup by the Workmen's Compensation Board, you engaged in contracts with an employer whose behaviour and attitudes are entirely suspect, and when found out, you abused the people who had been fired. I really think that is reprehensible.

I want to tell you, Michael Starr, if I may say, if you sit in a room and you listen to those men you know as you are sitting there that they speaking the truth, but because I have to deal in this crazy society where the word of an injured worker who feels strongly is suspect, particularly if he has some difficulty communicating it, I said to them, give me the names of your former employers, where you worked, I would like to check out your employee record. I would like to find out from you who were fired from Premier Picture Frame for malingering and were said by the board and the minister to be workers not worthy of remaining in that programme, I would like to get a sense of what you were before. I assume this is a pattern in life, it doesn't only happen in one plant.

I wasn't able to check out very many of them but I did check out Guiseppe Santa Lucia, who worked for Bruell Paving Limited, summer after summer, and according to their personnel manager did a very good job. It was pointed out to us that there had been no complaints registered against this workman or they wouldn't have taken him back every successive year.

I did inquire into the background of Oliviero Devido, who worked at the Medi Group Masonry Limited for a considerable

period of time before his accident and whom they said there were no problems with, a perfectly satisfactory and good worker, they liked him, up until the accident, when he couldn't be employed. I did track down the case of Antonio Aceto, who worked at Maple Crest Wood Products. The personnel officer said: "He was a good worker, first class; he would still be here if he hadn't hurt his back. We would like him back right now but I know he can't because of his back."

Every worker we were able to track down gets a clean bill of employment health and all of the personnel managers think the workers are good workers. How come, for the rehab officers at the Workmen's Compensation Board and this owner of a small plant in the industrial ghetto and the Minister of Labour, they are suddenly incapable of performing normal employee roles?

I want to tell you why: a matter of attitude; a restless impatient assumption that these workers who had the effrontery to be injured on the job should not have undue attention and support lavished upon them; a hardening of the arteries in the attitudes of the board which I would never have believed possible under the stewardship of Michael Starr. That's why I didn't want to come in here feeling in an adversary frame of mind.

I just find it hard to believe, but somewhere in that board's attitudes there is a vision of the complicated injured workman as a congenital malingerer, a person who is not capable of responding appropriately and a person who is as often culpable as he or she is virtuous. We run into that, Mr. Chairman, time and again and its a terrible aggravating business. I know when I speak to my colleagues about it and I know what we are constantly encountering. I don't really understand why this need be the case. I imagine that it can be altered but I don't know whether it can be altered.

[4:00]

I want to raise a number of points in succession and I know you will want to respond to them. I want to leave that general view of where the board is and tell you that one of the other things I have recently had the opportunity to do is again to visit Elliot Lake where, every time I go back, new bizarre phenomena present themselves, and in Elliot Lake I want to raise with you, as a matter for the board's serious review, the question of how you now assess the injured worker who is subject to a serious disease from radiation. I want to discuss with you and have you respond to the question of working level months, because this crazy business of Elliot Lake and the hazards to which the whole population is subject never seems to get resolved, and that population deserves the protection every population in Ontario has.

But you know what has now emerged—and I think the letter is before your board—not only are the workers subject to radiation exposure below ground but apparently a number of them are subject to radiation exposure above ground, in the homes which they inhabit, some of it fairly serious levels of exposure, according to the AECB, some of it above background level, but clearly complicating the radiation levels below ground.

Then when Homer Seguin, the steelworker representative, wrote the Minister of the Environment, George Kerr, and asked about the fallout factor in Elliot Lake, he learned that in 1965—I'm working from memory, but I'm sure I'm right—there had been a study done by the air pollution control orders and ended up saying the specific alpha activities in the same samples were found to be elevated over the control areas, that is, air pollution shows evidence of dust fall samples and particles which can be considered marginally hazardous, not significantly hazardous, but marginally hazardous. In fact, they have done subsequent sampling in December 2, 1975—it seems silly they would have done it only on one day and felt appeased—but the samples which they took in July 1976 are not yet available to us, and whether or not there is some radioactivity from the fallout is now a matter of conjecture. Then on top of all of that, we learn that in 70 homes at the village of Serpent River, people have been drinking water in which there could well have been radium 226.

So you have four separate sources of contamination visited on the same work force and population, and it is not too much to say that the workers who live in the village of Serpent River—many of whom work at Denison or Rio Algom—are therefore potentially subject to hazard from drinking water, from fallout, from a radioactive fault in the rock formation or in the use of radioactive wastes in the foundations of the home, and in the actual area where the ore body is, and because you have got that combination of factors inducing hazard for the worker, it seems to me that the board should now take a look at the way in which it tabulates its working level months to see whether or not it must compensate for all of the additional environmental contaminants or hazards which have recently come to light.

But something even more surprising to me emerged at Elliot Lake that I want to ask you about and interrupt my own presentation to have you reply for me. When I sat around with the workers in the health and safety committee from Rio Algom and Denison, it couldn't have been more than three weeks ago now, they told me that when they are underground—I'm not telling you anything you don't know, but I am expressing surprise at what I found out—when they are working underground at full salary, they can also get a silicotic disability pension, 10, 15, 20, 25, 30, 35, 50 per cent, whatever it is, over and above their income underground.

When they come above ground as part of the Elliot Lake retraining programme, which you are proud of, and if they take the surface job which is of lower pay, you give them 75 per cent of the differential but within the 75 per cent is absorbed part or all of the compensation they were getting in respect of their disability when they worked below ground. In other words, you take a compensation payment away from them, effectively, which is recognition of a permanent disability if they come above ground and you are tabulating a wage loss differential. May I say to you that sounds so perverse? At first I refused to believe it, then they gave me documented proof, and then I checked it out and found further it was true. Can I ask you (a) why? and (b) by what authority does the board revoke the pension that they are granted? Can I ask you to respond on that, and I have one more matter to raise and the chairman, surprisingly enough, will find me subsiding.

Mr. Chairman: I have made no comments.

Mr. Lewis: I know, but I know what is lurking in your interstices.

Mr. Chairman: I don't even know myself.

Mr. Starr: Mr. Chairman, Mr. Lewis, this was brought to my attention about two weeks ago.

Mr. Lewis: It has been going on for a long time.

Mr. Starr: It was brought to my attention about two weeks ago, Mr. Lewis, and I think that Mr.—are you ready to deal with it, Mr. Kerr?

Mr. Kerr: Yes. I am sorry to have to say—

Mr. Lewis: Just a second. Excuse me Mr. Kerr.

Mr. Kerr: Yes?

Mr. Lewis: Why must Mr. Kerr deal with it? Why can't the chairman of the board deal with it?

Mr. Starr: Because it's an adjudication situation that has been invoked for many years and whether it needs to be changed or not hasn't been decided yet.

Mr. Kerr: If I may, sir, I am sorry to say that this statement you have made is correct.

Mr. Lewis: Why are you sorry to say?

Mr. Kerr: Because I can see from the point of view where we are trying to encourage—all of us trying to encourage—people to come out of exposure employment, and I can place myself in the same position as that individual. Our problem is the wording of the Act, and it will just take me a few minutes if you will bear with me please, so I can explain it to you.

Mr. Lewis: Sure.

Mr. Kerr: When a man is temporarily totally disabled, it states in section 39 that he receives 75 per cent of his earnings prior to the accident—and I use the term accident in lieu of industrial disease or in this case, what we are talking about, to shorten up the words but it still applies—and it also says when a man is receiving temporary partial disability on a wage-loss basis, that's section 41(1), (a) and the employee returns to employment, a weekly payment is 75 per cent of the difference between the average weekly earnings and so on, so the most we can pay is 75 per cent when there is a wage loss and he's performing suitable work.

The other relevant section is section 42, where we are talking about permanent disability and once again it states in effect that we cannot pay more than 75 per cent of his wage loss prior to the accident. So when you put all these together, it means for one disability a man cannot receive more than 75 per cent of his earnings at the time of accident.

Moving away from Elliot Lake for a moment, and then coming back to it immediately, if we have a situation where a man has a back condition, we'll say, and he has been rated at X per cent permanent disability and he has had a recurrence and we reinstate him on full compensation, it's full compensation less his pension for the period of time that he's on full compensation, because we cannot exceed 75 per cent of his earnings at the time of accident for full compensation.

Coming back to our Elliot Lake person, who is on a job at a reduced rate of pay, the same situation applies. The Act says in section 41(1)(a) that we cannot pay him more than 75 per cent of his wage loss and that consists of his partial compensation less his pension, because if we paid him his wage loss plus his pension we would exceed the 75 per cent as specified in the Act. This is the reason that this is applied in the Act.

If a man has a different condition, let's say this chap underground has a pension for some condition not related to his chest, he's had a straight accident of some kind and he's getting a pension for condition A and he's brought out of exposure employment, in that situation we could pay him his full wage loss, 75 per cent of his wage loss, I should say, and he would still continue to receive his pension in his other claim and the big difference there is that we have two claims.

The Act is silent about two claims. The Act applies to one claim. In that situation, because he has two claims for two different conditions and the Act talks about the limitation of compensation in a claim, we do not deduct his pension. That may, on first blush, seem inconsistent but when one reads the wording of the Act, this is what the Act says.

Mr. Lewis: Do you not feel that perhaps it seems inconsistent to the recipient?

Mr. Kerr: I agree. I feel that in the eyes of the recipient, who is being encouraged to come out of exposure employment, it is very hard for him to accept.

Mr. Lewis: Under which section of The Workmen's Compensation Act do you pay a 25 per cent permanent disability claim?

Mr. Kerr: Permanent disability? Section 42(1).

Mr. Lewis: Right, but what about section 3(1) of the Act? Section 3(1) of the Act; part I compensation, section 3. It's just a statement of what you do, right? "Compensation for disability shall be computed and payable from and including" etc.?

Mr. Kerr: Yes, that's for general payment of compensation.

Mr. Lewis: That's the general—

Mr. Kerr: That's the commencement date—"Compensation for disability shall be computed."

Mr. Lewis: Right. What about section 53, the rehabilitation section? "To aid in getting injured employees back to work and to assist in lessening or removing any handicap resulting from their injuries, the board may take such measures and make such expenditures as it may deem necessary or expedient"?

Mr. Kerr: I would have to ask Dr. McCracken to handle that. It's in his area, rehabilitation.

Mr. Lewis: But is not the wage loss differential part of the rehabilitation section of the Act?

Mr. Kerr: No, sir. Section 41(a) covers your wage loss. Section 41(1)(a) on page 20 of the Act.

Mr. Lewis: I understand that but surely the act of moving a man from—I'd better not say the act or we will be confused—the process of moving a man from underground to surface, the whole purpose of it is rehabilitation? Why are you not able to use section 53 of the Act as a basis for paying the man what he is entitled to? I suppose because it hasn't occurred to people to look at that as an alternative.

Having to deal with the absurdities of legislation every day, I understand the complexities but I do want to point out to you that section 53 of the Act, called rehabilitation, is an open door for this board to continue to pay the man his permanent disability pension. It says—I want to read it: "To aid in getting injured employees back to work and to assist in lessening or removing any handicap resulting from their injuries, the board may take such measures and make such expenditures as it may deem necessary or expedient."

It does not say 75 per cent. It says, "such expenditures as it may deem necessary or expedient." I want to argue with you that it is necessary and expedient, as an incentive to a worker with silicosis or lung cancer, if he is to be moved from the base of Elliot Lake to the surface of Elliot Lake to continue to pay him the pension award to which he is entitled in addition to the wage loss differential.

It is both necessary and expedient. Otherwise it is a disincentive; otherwise, as you would concede, it effectively penalizes someone for moving from a hazardous place of employment to a safe place of employment which, of course, in a word is nuts. That's not what we are trying to achieve. I think I raise it because I really think section 53 of the Act, used with compassion and flexibility, gives the board the avenue to overcome this very serious problem.

[4:15]

It has been going on for a very long time. It's particularly aggravating, however, when you have a programme at Elliot Lake designed specifically to move people to safe areas and you deter them from doing that by taking away a disability pension which they had been granted under another section of the Act which, relatively speaking, has nothing to do with the wage differential. That has absolutely nothing to do with the wage differential. The worker must consider it absolutely bizarre.

Mr. A. G. MacDonald: I think, Mr. Lewis, you should let Dr. McCracken deal with it. The board does recognize that section 53 can be used to supplement the award for these cases.

Mr. Lewis: Then why isn't it used?

Dr. McCracken: I presume that one of the points which has been brought forward in the application or non-application of section 53 pertaining to the Elliot Lake rehabilitation programme is the apparent impact against section 42. I believe that is the concern of the people who must make the decision. On the one hand, section 53, as you point out, is a broad section which appears to allow you to do many things. As a matter of fact, it is applied to people who are on job training programmes, if I may refer to that, in community colleges, et cetera. However, I'm no expert in this part of the Act but I presume that it is the basic impact of two parts of the Act which have been in existence as Mr. Kerr points out, for a long interval of time.

There is just one other point I would like to bring forward about the application of the deduction of a pension. First of all, as you can appreciate, this doesn't apply to the groups on the training programmes because they are receiving full compensation. Bear in mind that full compensation, if they have a pension for silicosis, is made up of that plus the extra amount to bring them up to the 75 per cent level. There is no conflict or problem there.

The only area where there is the problem is with the group of people who are not on an upgrading or a training programme. They're up on the surface and they're working at a wage differential from underground. If they have a pension for silicosis, that portion of the pension is deducted against the 75 per cent differential.

Mr. Lewis: Crazy, eh?

Dr. McCracken: Why should it be that way with silicosis—the fellow comes up and he has a pension for silicosis; he is brought out of risk—versus the person who has, let us say, a pension for a back condition or his knee or whatever? He comes up on the same programme because he might have had 120 working level months of radiation and he's receiving a pension for his knee—

Mr. Lewis: Back disability.

Dr. McCracken: The pension continues and he gets the differential. The only thing I can say about that is the original concept of this obviously was that if a person is receiving a pension for a given condition and something occurs by which he ceases his usual employment and he requires further treatment or further rehabilitation measures or whatever, they have applied the factor during the interval of time when the pension will be applied against the extra amount they have paid; versus the fact, as Mr. Kerr has pointed out, that if he has a prior p.d. from a knee and he is involved in a back situation, if he requires a rehabilitation programme for his back that has absolutely nothing to do with the pension he is receiving for his knee.

I can only put that forward as the reasoning behind the original—

Mr. Lewis: Okay. I want to tell Dr. McCracken, through you, Mr. Chairman, that I have seldom heard an explanation more unintelligible than that which he just offered. I am not saying that's your fault. The situation is a Catch 22 situation. It is completely surreal in the experience of the worker. The worker doesn't understand these absurdities and there is something really perverse in the administration of the Act.

I don't pretend that what you said wasn't valid and I am sure if I read it again after it's in Hansard, if I read it three or four times, I'll make sense of it. I ask you to go to Elliot Lake and speak before the workers of Rio Algom—you don't even have to rehearse it; just take that little speech and make it to them there. They will throw ore at you on the platform—that is what they will do and they won't compensate you for injury either, if I know their feelings. I don't want to fight with you about it, but I hope that the point is made. I am just trying to make a point.

Mr. Starr: Mr. Lewis, it was brought to my attention two weeks ago.

Mr. Lewis: Good.

Mr. Starr: As I said earlier, we have already issued instructions for the department to come up with recommendations on this.

Mr. Lewis: You're seeking recommendations?

Mr. Starr: Yes.

Mr. Lewis: It will be a godsend if you change it and I really think section 53 gives you the avenue to change it. We just cannot go on any more in Elliot Lake that way, because there's a lot of feeling about it, a great deal of bitterness about it, for all the reasons that you yourself raised, Dr. McCracken, the hideousness of one worker getting the full pension when he comes up and another one having it deducted from the wage differential, and others not understanding why the disincentive should be applied when you're telling them we want you out of the dust area and on to the surface.

You see, Michael Starr, if I may defile your innocence by using your name, it really is again a kind of bureaucratic obsessiveness. It's good intentions from everybody, but people don't think these things through in terms of the effect on the worker as a human being, flesh and blood, who has to understand them, and everybody gets caught up the melange of intricacy and complexity and legal fascination and sections of the Act. You are not going to run into objections from Liberals, Tories and New Democrats in this Legislature if you come to us and say, "We want an amendment which removes this anomaly." Your people have known about it for God knows how long. Anyway, I am glad you are responding as you have. We will keep after it.

Mr Chairman, I don't know what to do. I have one other matter and maybe I will try to deal with it quickly. I want to deal with it quickly, because it's the last thing and it's important.

The chairman of the Workmen's Compensation Board, when he made his opening remarks, dealt with benefit of the doubt. He said that employers feel that the Workmen's Compensation Board is bending over backwards to give too much benefit of the doubt to the employee while heathens and infidels on the left, like the NDP, continue to say that benefit of the doubt is not exercised generously enough. I know "heathens and infidels" wouldn't cross your tongue. I understand. A little poetic licence, Mr. Chairman. Think of your own days as Minister of Labour and the things you said. They were largely unrepeatable, let alone unprintable.

I want to raise with you a case which really brings into stark relief the question of reasonable doubt, because it's a concept I think the board is not paying adequate attention to. Again it comes to attitudes. I want to raise with you, Michael Starr, and with a great many others, the question of Aimé Bertrand, the cancer of the larynx case in Sudbury, which was fought through for a long time by our colleague from Nickel Belt, our colleague from Sudbury East, Paul Falkowski, of the United Steel Workers and God knows how many others. Can I ask you a question, Mr. Chairman? Have you met with Aimé Bertrand?

Mr. Starr: I don't recollect meeting with him.

Mr. Lewis: You would recollect it.

Mr. Starr: I suppose I would.

Mr. Lewis: Yes.

Mr. Starr: I meet quite a few hundreds of them from time to time.

Mr. Lewis: Do you know the Aimé Bertrand case?

Mr. Starr: Just from what I have read and what I have been told about the case, yes.

Mr. Lewis: Does the case cause you any personal concern?

Mr. Starr: Every case causes me personal concern.

Mr. Lewis: Do you know enough about the Aimé Bertrand case to have asked from your staff a full briefing—apparently not enough to have asked to meet Aimé Bertrand?

Mr. Starr: No, I haven't met Aimé Bertrand.

Mr. Lewis: This is where I don't quite know how to communicate. This is where I am not sure how we meet. Aimé Bertrand stands as a symbol of everything that is wrong with the board, and therefore, I submit to you that you should involve yourself in his case. Aimé Bertrand stands as everything that is wrong with the interpretation of benefit of doubt, and he has been a matter of public controversy, he has spoken on his own behalf, others have spoken for him, it has been dealt with in the Legislature, been dealt with in public forums, it has been talked about by the Minister of Labour and others, and it seems to me that somehow the board should function in a way that the man on your immediate left and the man next to him, and Dr. McCracken and Mr. Kerr should be in your office on a Monday morning at 8:30 saying: "Michael, this Aimé Bertrand thing is a serious matter and you had better take some personal involvement in it. Even

if we are right and the others are wrong, we are going to have to defend the position and you had better get involved." I don't understand why that doesn't happen.

I want to put the case to you, Mr. Chairman, briefly. Aimé Bertrand worked for Inco for 26 to 30 years. During that period of time he was exposed to contamination from every conceivable hazardous substance you would care to name. His primary job in the postwar period was as a maintenance mechanic whose duty it was to cut through the asbestos protective coverings over the roasters and the broilers and the other parts of the operation whenever there was a leak or a breakdown. Aimé Bertrand spent most of his working life engulfed by asbestos fibres; engulfed by them, choking on them, carrying them home with him. If you don't believe me, I invite you to hear it graphically from the voice, or what is left of the voice, of Aimé Bertrand and his wife. I invite you to do that because you are chairman of the board and it is a classic and important case in Ontario.

Aimé Bertrand uses the analogy that every worker uses when you know there is a problem looming. They did it in Matachewan, they did it in the Reeves mine, and they did it in Johns-Manville in Scarborough. Every time you hear a worker say to you, "The asbestos fibres were so thick that when the sun came through the window I could see the particles in the air," then you know you have got a problem, and that's exactly the description that Aimé Bertrand used with me; I don't know how many times I have heard it.

So this man spent his entire life literally in a cloud of asbestos when there was no respiratory apparatus available sufficient to protect him. He wore something which clogged up in 15 or 20 minutes and he threw it away, and for the rest of the eight-hour working day he was exposed. When your board looked at this in 1975 you said that there was no definite evidence and you denied the claim. When it was appealed, you denied the claim, and although the evidence has mounted on all fronts you continue to deny the claim, and I don't understand that. I just don't understand it and I want to tell you why.

In 1973, two scientists in Liverpool named Stell and McGill did two successive studies on the incidence of laryngeal cancer in the ear, nose and throat department of the Liverpool hospital, which was a primary hospital for that disease at that time. They learned to their amazement in their study —and I carry the study with me, should you wish to read it—that in the second and most important of the studies 31 out of 100 people they looked at with cancer of the larynx had significant asbestos exposure, and they came to understanding that there was a highly significant statistical relationship, so they did those two studies in 1973.

Later on in 1973, in a note in the British Lancet magazine from Molly Newhouse, and I forget the other scientist, there was an indication that a group of asbestos workers they had been following showed two deaths from laryngeal cancer, which isn't many deaths but which was so unusually high when compared to the expected incidence that they felt it was necessary to chronicle it.

Then you will know, Mr. Chairman, that Professor Morgan and P. C. Shettigara, research fellow of the department of preventive medicine, and Morgan, who is the professor and chairman of the department of preventive medicine, in 1974-75 did a study on asbestos and laryngeal cancer in which they, too, showed a striking relationship between laryngeal cancer and exposure to asbestos by dealing with patients in the Toronto General Hospital.

[4:30]

So you've got Liverpool studies, you've got a wider British study, you've got a University of Toronto study, all of them what you call in your trade retrospective studies, showing highly significant correlation between cancer of the larynx and asbestos exposure. All of that is available to the board.

In the same period of time that these studies were coming to light, you had Dr. Ritchie doing your survey of asbestos and carcinoma and coming forward with his various observations, one of which was that although he could not determine at that precise moment in time, in May 1975, that there was a correlation between exposure to asbestos and cancer of the larynx, he thought the evidence was accumulating and that the board should do a study to follow up on it. May 1975; it is now December 1976, you have done no such study, nor has there been any study of any kind in that period of time.

Without belaboring it, you've got scientific evidence, you've got the case history of the man, you've got a letter from Dr. Victor Sicilioni—and I shouldn't have to sing his praises to you—dated February 4, 1976, in which he describes Aimé Bertrand's condition and says that clearly it's asbestos-related. Despite all of that, Mr. Reed sent a letter on October 27, 1976, to Paul Falkow-

ski, saying you had reviewed the world's literature concerning asbestos as a carcinogen and it is the opinion of the senior medical staff based on such review that there is no proven cause and effect relationship between asbestos and laryngeal carcinoma.

It is their further view that the world literature does not support a relationship between the other contaminants relied on by you in your original presentation to the board, and they disqualified the claim. With the greatest respect to Mr. Reed, his information unintentionally misleads Mr. Falkowski and everybody else involved in this case, because in fact the review of the world's literature concerning asbestos as a carninogen suggested specifically that there was more evidence accumulating on the relationship between asbestos and cancer of the larynx and that further studies should be done. And Mr. Reed, with respect, is taking it upon himself to say that the literature exonerates the board, when in fact the literature instructed the board and the board did not act on the instructions. That's what Dr. Ritchie told you to do and you paid no attention to it.

If you are dealing with benefit of the doubt, I want to know how it is possible not to give Aimé Bertrand the benefit of the doubt. Nearly 30 years of exposure, much of it cutting through asbestos, engulfed in asbestos particles; scientific studies in Liverpool; scientific studies in the United Kingdom; scientific studies in Ontario; medical evidence from reputable specialists who have diagnosed this kind of thing before—I want to know how that isn't a probability worthy of the benefit of the doubt.

I want someone to explain to me what logic there is in talking about benefit of the doubt when you deal with a classic case of this kind and refuse to grant the claim on the basis of all that you've got before you. Because I'm really feeling self-conscious about the time, I'm not even spelling it out, but I would spell it out in a way that would convince you, Michael Starr, that this was an open-and-shut case.

I'm going to take it one final step further. One of the things the board has always said—and the members of the medical community who engage in gratuitous maligning of their fellow members with whom they don't agree have always said; I know that kind, the same kind who disputed Selikoff all these years—what they say is, "These are retrospective studies, they deal with people in a given hospital situation." They look for the evidence of asbestos in their lives, and then they look at control groups, and they find, "Yes, there's a high statistical incidence, but that's not good enough, give us a prospective study."

What do they mean by a prospective study? They mean, "Give us a study which is following a group of asbestos workers in order to see whether or not we should allow compensation. Give us the kind of prospective study which allowed the Workmen's Compensation Board finally, by dealing with Dr. Irving Selikoff and calling in Dr. Miller of the Cancer Institute, to provide a compensable relationship between gastrointestinal cancer and asbestos."

Do you know the prospective study that is being done by Selikoff? Are you familiar with it?

Mr. Starr: No, I am not.

Mr. Lewis: You are a very busy man, I guess everybody here is a busy man.

Mr. Starr: Well, I depend on those who are—

Mr. Lewis: I understand. I want to tell you I am really shocked by that, not just because it is interesting but because you should avail yourself of this remarkable scientist. Take a day. Colonel Legge used to handle military operations six months a year. I mean, he was always reviewing the troops. I don't know why you can't take a flight to New York to meet with Irving Selikoff. Bruce never had time for the board except at the high table, but you at least are there most of the time—I had better be careful, I am sure he had time for the board; knowing Bruce Legge, he will sue me—I am sure he had time for the board but he also found time to review the troops.

Why don't you ask for permission to go to New York for a day and meet with Selikoff? You know what you will find? Selikoff is doing something called a prospective study. He has the names of 17,600 asbestos workers who worked in the insulation industry in the United States and Canada as of January 1, 1967. He follows them through one by one, year after year, noting the deaths, looking at the cause of death, tabulating relationships.

He is nearly finished for this year. I beg you to get in touch with him when their statistical compilation is complete. I have learned that they have now discovered seven cases of cancer of the larynx in that group already. Cancer of the larynx is one of the rarest of cancers. Some use figures of one-to-50,000; some used figures even higher than that in terms of ratio.

I want to say to you that you're going to receive evidence from that prospective study which will exactly match the retrospective studies and will show you conclusively that in any fair assessment of benefit of the doubt, Aimé Bertrand deserves a pension or a claim acknowledged by this board. But what bothers me about it is the way in which you forced workers literally to grovel before the board to win a claim which benefit of the doubt should give to them automatically.

You made Gus Frobel go through the most unbelievable personal humiliations to persuade the board that the lung cancer he had was as a result of exposure to the uranium ores at Elliot Lake. And you are making Aimé Bertrand do the same thing, and you made the widows of the asbestos deaths in Johns-Manville do the same thing.

I want to say to you, Mr. Starr, it isn't necessary. We are talking about a handful of human beings. How many laryngeal cancer cases do you think you would ever have to compensate? What kind of precedent are you setting? You are not going to annihilate the savings of the board. You are not going to imperil the economic security. Do you know what you are going to do? You are going to err in favour of the injured workmen. You are going to give authenticity to the benefit of the doubt. I beg of you, Michael Starr, don't allow them to make these workers fight so hard to get their just entitlement according to statutory law.

The case you know in 1934, which set out benefit of the doubt, and according to your own regulations—Appendix A—which sets out benefit of the doubt, and according to your opening statement yesterday morning which sets out benefit of the doubt, and according to Bette Stephenson when she runs down to Biloxi, Mississippi, and talks about benefit of the doubt. The principle is enshrined, it is categorical. For God's sake recognize it. If there ever was a case in which the recognition is merited, it is the case of Aimé Bertrand.

I end where I began. The board can't accommodate the Aimé Bertrands, who after 30 years of exposure and the loss of a larynx have to talk now through a hole in their throat. They can't accommodate people who go through their personal horror as a result of occupational exposure.

What about the attitudes to the Carmelo Longos? What about the attitudes to the Hayashis? What about the attitudes to the Premier Picture Frame workers? What about the attitudes of the board generally? What is it in the bureaucracy of the board which makes the difficult cases discriminatory cases?

That's what we are so angry about, I'm pleading with you—take a look at that Aimé Bertrand situation. Get it settled. Like that. It's straightforward. It's not complex. Then use the principle you have applied as a generous and compassionate human being to every other case which is causing the same kind of delay and complexity and problem at the board because nothing less will do.

I guess I speak for a lot of my colleagues when I say this is just about the last year when we are prepared to come back and plead for what is elemental justice. It isn't you because I know you and I know your open door policy. This is a terribly risky thing to say but please speak to your fellow board chairmen; please speak to your senior administrators; and do something about the attitudes at the Workmen's Compensation Board. I have no further remarks, Mr. Chairman.

Mr. Starr: I think, Mr. Chairman, if Dr. McCracken has anything to say in respect of this particular case or that particular area—

Mr. Lewis: All right. Do you have anything to say about Aimé Bertrand, Dr. McCracken?

Dr. McCracken: No, I haven't about the person you mentioned, Aimé Bertrand, because, as was pointed out yesterday at this meeting, I am on very dangerous ground and so is any of my medical staff if we discuss specific medical material about a specific case in front of third parties. This is in The Health Disciplines Act. The minister mentioned it yesterday. I am unable, therefore, to discuss specifics relating to this case but I can talk about some of the general points which you made.

Mr. Lewis: Dr. McCracken, you didn't have the same sense of medical propriety when you were asked to quote to the press about Aimé Bertrand.

Dr. McCracken: I'm sorry but I never quoted to the press anything about that individual. I made it very clear to the press reporter—

Mr. Lewis: You were quoting about cancer of the larynx generally?

Dr. McCracken: That is correct. That is very correct.

Mr. Lewis: Okay.

Dr. McCracken: First of all, about the studies which have been done: They are not

retrospective studies in the true sense of the word; they are what is called case control studies. The only person I know of who has a prospective study is Dr. Selikoff. The studies by Stell; the subsequent small study by Newhouse; the study by the Toronto group have all been evaluated by Dr. Stewart, by me, by other members of my medical staff; by Dr. Ritchie, by Dr. Miller and by one other consultant who will remain nameless. They are all of the opinion that, for the present time, these studies cannot be accepted as demonstrating true causal effect. They are suggestive but that is as far as these people will go.

Mr. Lewis: Dr. McCracken, I want to point out to you how you use language. This is not a case of proving true causal effect. This is a case of benefit of the doubt.

You are not, Dr. McCracken, I say to you, in a court of law. You are with the Workmen's Compensation Board where benefit of the doubt is a flexible social principle to be applied for the benefit of the injured workman. Don't you talk to me, with respect, about true causal effect because then you show, "I am pleased that emerged"; then you show exactly what's wrong—the corruption at the board. When you talk about true causal effect, you are asking workers to come before you and prove beyond the shadow of a doubt that there is a cause and effect relationship between the exposure and the disease. That is not your mandate. Your mandate is to find benefit of the doubt.

The minister went down—I just want to find this stuff—to Biloxi, Mississippi, and she said and I want to quote it because it's serious: "If the board were to insist on a claimant proving his case, even with the benefit of the doubt concept, it could make a mockery of the entire purpose of compensation for workplace-related conditions."

[4:45]

I really want to put to you, and I ask you to read that Mississippi speech, that what Dr. Stephenson is saying is all of it errs on the side of the workman. Don't talk to us about absolute causal relationships because no one can establish them. But I know how it is in those necessary coteries where the medical people get together.

Margaret Campbell nods her head, and in a sense it reassures me, because you have seen them and worked with them.

Mrs. Campbell: Yes, I have.

Mr. Lewis: They come together and they rub shoulders. I have great respect for some of them so I feel equivocal. But you kind of nod and say, well, because if you know Stell and McGill, people have qualms about them. Morgan and Young. Morgan, you know, at U of T, who knows about his study, talked about smoking and talked about how many of the men were married. That was Dr. Stephenson's reply in the House. She talked about the marital ratio—ha! Talk about scientific expertise. And then there are people like Shettigara and Newhouse. We don't really want to give them too much credit.

It's not good enough. That's not the job of the board, Mr. Starr. That's not the job of the board. The board does not look for true causal effect. The board looks for what you put to us yesterday morning and what G. W. Reed, QC, vice-chairman of appeals, put in his speech on the benefit of the doubt principle to the Law Society of Upper Canada special lectures.

Let me read it to you: "In keeping with this philosophy, the benefit of doubt principle in favour of claimants is applied at all levels of decision-making at the board. Benefit of doubt for compensation purposes means that it is not necessary for the employee to adduce conclusive proof to support his claim for compensation." He does not have to adduce true causal effect. He only has to adduce benefit of the doubt. That's Mr. Reed. Okay, I don't want to deal with it any more. I just want to leave it there.

Interjection.

Mr. Lewis: People at the board would ask me where he ran.

Mr. Gaunt: I wanted to make a few comments with respect to the appeal system which operates within the board. I have spoken on several occasions about this matter. It's of concern to me. I think Mr. Reed has been trying to streamline the appeal system as it's set up. But I put to you that the appeal system is unnecessarily lengthy. It isn't doing the job for which it was set out, and I think the appeal system which the task force envisaged certainly isn't being fulfilled at present.

I made a speech in the Legislature back last April about it, because I think at that time it was an accumulation of evidence which I had which certainly suggested it, and a lot of it was my own evidence, because as you know, I handle many of the compensation appeals from my area. I do it personally, I've always done it because I

feel it's a function of members to do that kind of thing.

Last April we were undergoing a delay, if one takes it from the beginning of the appeal system through the entire machinations, of something in the neighbourhood of 34 weeks. In my view, that's a violation of the natural justice of the worker. I think that's just unnecessarily long. I know the board was aware of it, they were conscious of it, and I believe there's been some improvement in that, but I'm suggesting to you that the ultimate solution is to scrap the three-level appeal. I don't think you're ever going to resolve the problem unless you do.

Mr. Starr: I don't know whether Mr. Reed may want to say something about it—he's the vice-chairman of appeals. You were quite right, the backlog has been decreased tremendously and I think that the two new commissioners will help it a great deal more. We're hoping with the beginning of the year that the appeal board—at least a panel of the appeal board of three—might do some sittings outside the city of Toronto in the various centres throughout Ontario. But we have had a heavy backlog, and a lot of that backlog hasn't been able to be cleared up because of the cancellations that come at the last moment; and, of course, the two hours that are set aside, or whatever time is set aside for the hearing of that claim, is completely lost because you can't substitute another one in its place at that time. But we are gradually overcoming this, and we hope to see daylight in that respect pretty soon.

Mr. Gaunt: May I ask what sort of delay the board is experiencing now, if one takes it from the beginning of the appeal stage right through to its ultimate?

Mr. G. W. Reed: Can I give you these figures to start with? At the appeals examiner level, the scheduling of cases in 1975 developed such that it was taking well over three months to schedule an appeals examiner inquiry in 1975. As of December 10, 1976, we're now scheduling appeals examiner inquiries in four weeks, which is certainly a considerable improvement.

On the appeal board level the scheduling at the present time has been reduced from three to two months, and it will certainly be reduced more because we now have two new commissioners and we're now in a position to use, and have been using, three panels from time to time in order to clear up this backlog. There's no question in my mind that with the additional two commissioners, we're going to have a significant improvement here within the next couple of months.

The problem has been not so much the system as the sudden increase, the dramatic increase in volume over 1975. Just to give you a comparison, at the end of September 1975 we had had 1,247 appeals at the appeals examiner level; at the end of September 1976 —for the equivalent period—it was up to 2,320; an 86 per cent increase in appeals at the first level. We have had an equally significant increase in appeals at the appeal board level. Taking it up to the end of December, there were 619 in 1975; there have been 1,363 for the same period in 1976. But despite that significant increase, we have been able to reduce considerably the time at the appeals examiner level and also we are quite confident with the addition of two commissioners that we will be reducing the time lag at the appeal board level.

We have had another problem and that is with the administrative time lag in getting dictation and that sort of thing done. That has been a problem with this dramatic increase in the business. We have obtained authority and we have hired five new additional secretaries in order to try to cope with this problem of administrative lag.

On the question of summaries of information there is another problem. In 1975, at the end of September, we had produced 444 summaries of information. At the end of the same period, September 1976, this had been increased to 801. Despite that we have reduced the overall time lag and the time it takes to get a summary out. We are in the process of hiring one more appeals administrator in order to devote more time to the preparation of summaries.

What I am saying to you is we are endeavouring to cope with this tremendous increase in volume. I think we are coping reasonably well but there is certainly still room for improvement.

May I say one further thing? We are presently having a good look at the appeals structure which came into effect following the task force recommendation. We are anticipating that recommendations will be made to the board in connection with the overall structure of the appeals system early in the new year. We were examining the structure quite closely and we will be making recommendations early in the new year with respect to the overall appeals structure.

Mr. Gaunt: Perhaps, in that context, my comments will be appropriate. May I go back for a moment? You mentioned about the delay with respect to appeal examiners. It was two months, now it is four weeks. I can tell you that I have one for which I requested

an appeal some two months ago and I still haven't got a date for that appeal.

It has a way to go yet, with respect, Mr. Reed. I suggest to you that I know you are trying to work it through and trying to improve it but it is still around the two-month level, at least insofar as mine is concerned.

Mr. G. W. Reed: Excuse me, Mr. Gaunt, is that for a hearing? Where would the hearing be held in this particular case?

Mr. Gaunt: I indicated to the board that we were quite prepared to have it here in Toronto. I come down every week anyway and the person can come down with me.

Mr. G. W. Reed: I don't understand that. I would have to look into that one because I am talking about Toronto inquiries. There is a longer time lag for cases out of town because we have to wait until a certain accumulation of cases builds up in order to warrant sending appeals examiners out. I was talking about Toronto inquiries and if this was to be in Toronto, I don't understand what you are telling me. I would be glad to look into it for you but I don't understand it.

Mr. Gaunt: Okay. Let me clarify that because the last time I was talking to your man at the board, Bill Cyrinka, he said, "Would you prefer that this hearing be held in London?" I said "I don't really care. If it is going to be set up in the next month or two, certainly London is closer than Toronto." On the original request I had asked for Toronto. He indicated to me that perhaps members of the board would be sitting in London in January, I think he said, and perhaps it could be scheduled for some time during that month. I haven't heard back and I feel that is a rather long period.

Mr. G. W. Reed: Will you give me the claim number when we are finished here?

Mr. Gaunt: Yes. I don't have it here but I can give it to you. I can call you tomorrow morning and give you that claim number and see if it can be set up. If one is talking about going through the appeal—if we lose at this stage I am quite prepared to appeal it to the next stage. By the time we get the matter resolved we are talking about perhaps May, certainly next spring. This is a lady whose husband died on the job—she is a widow—and I don't feel that she should be subjected to that kind of delay.

[5:00]

May I move on with respect to the present appeals system? You have indicated that you are reviewing this matter and there will be a report, I think you said in January of this year, which you are going to be taking a look at with respect to changes in the appeal system. Let me put this to you: Do you not feel it would be better to go to a one-level appeal system with the ultimate appeal to the corporate board on matters of policy or where the decision of the commissioners is a split decision?

I don't like this business the way it is set up now of these things being ghosted. The commissioners review the file and then it is turned over to someone else who prepares a summary, and then the decision is ghost written, as I understand it. My feeling is that if it were a one-level system, these commissioners would be highly qualified people, as they now are—I know you have some very qualified people—but these would be specalists, specialists of the highest order, and they would be appeal experts, operating on a one-level system.

It seems to me that under those conditions they would write their own decision. I think there is some merit in that, because I have a feeling that along the way there is something lost in the translation when you have somebody else doing that kind of work and ghosting those written decisions. It seems to me that the process would be speeded up tremendously, and at the same time there would be no sacrifice with respect to any of the advantages of the three stage appeal.

Mr. G. W. Reed: If I may respond, one of the criticisms and one of the things that we have been looking at is the present process whereby the field examiner conducts the inquiry but a single commissioner issues a decision. That is clearly one of the criticisms we have had to take a long hard look at, and we will be making proposals with respect to that particular situation.

With respect to your suggestion for a one-level appeal system, without commenting at the moment on it, I would merely point out that under our new process of screening every case that comes into the appeal system with a view to trying to make a decision from file, without going through any hearing, or secondly, in certain matters sending it up to appeal boards directly so that the intermediate level of appeal is skipped with respect to that—and we are doing that in about 25 per cent of the cases now that are coming into the appeal system—that has met with considerable criticism from the trade union representatives, who are very

strongly supportive of the two-level appeal system. They are very strongly supportive of that.

Without going into the merits, that is one side of the picture. On the other hand, the employers tend to favour a one level appeal system rather than a two level.

Mr. Gaunt: I don't hold any brief for the employers. All I am trying to do is set up a mechanism where these things can be dealt with quickly and effectively. If that means having a two-stage system, fine, but I just think 34 weeks to run through the system is unduly long and is a violation of the natural justice afforded the worker in these cases. If we can do it with a two-stage appeal, fine. It seems to me we have got to come up with some better mechanism by which we handle these things, because it is just too lengthy and it causes too many problems for the claimants while they are sitting back, biding their time, waiting to get on stream for an appeal.

Mr. G. W. Reed: We are certainly looking at the system from that point of view, Mr. Gaunt, I assure you.

Mr. Gaunt: There is only one other matter that I have and perhaps I can address it to the Chairman. As you know, I had an appeal with respect to this matter of exchange farm labour, where one farmer exchanges with another farmer and the farmer gets hurt on the other farmer's property. No money changes hands, it's a fair value exchange, and we got turned back on that appeal as you know. I had some communication and discussion with the board at that time because I felt that there was an unfairness inherent in that situation.

I argued that, in terms of the Act, the farmer who was injured on the second farmer's property was under the terms of the Act and for its purposes an employee, but that argument didn't sell before the board. I am wondering if there has been any resolution to this problem—and admittedly it's a very difficult problem. Where a farmer doesn't take up the option to cover himself, where he isn't covered himself, it's a difficult problem because no payment goes into the board for the coverage, and even if there were, in the case of the two men involved in this instance, the person still wouldn't have been covered because he was hurt on the other farmer's farm.

Mr. A. G. MacDonald: No, that's not true.

Mr. Gaunt: Isn't that so, Mr. MacDonald?

Mr. A. G. MacDonald: If he had coverage for himself and he had gone to the other person's farm, he would have been covered.

Mr. Gaunt: He would have been covered?

Mr. A. G. MacDonald: Yes, if he had coverage for himself.

Mr. Gaunt: All right, but aside from that, has there been any resolution at the board level of this problem? As I suggested to you before, I think it's going to be a situation that's going to recur more frequently all the time, and as far as I am concerned I think eventually we will appeal this particular matter further. The farmer at the moment hasn't seen fit to take my advice on that point but I feel ultimately he will, because I am sure that he's going to have trouble with that hand in later years and unless he establishes his claim now he is going to be out in the cold.

Mr. Starr: The problem in the farm situation is that we have some 83,000 farmers in the province of Ontario and only about 23,000 of those farmers are covered by the Workmen's Compensation Board. Those who hire employees, automatically, by law, have to have coverage although he needn't necessarily have himself covered but he can upon application. Those who do not employ any employees on their farm can also apply by application for their own coverage and probably a wife and probably a son who may be helping on a farm. They can do this and we try to encourage them to do this as much as possible. We have only got about a quarter of them covered really in the province of Ontario.

Mr. Gaunt: I think there is a problem with the rates. They feel that the rates for coverage is rather high and, without commenting on that, there are a lot of them, as you point out, who are prepared to take the risk. It seems to me that if that farmer had been hurt on his own farm, then I think the case is quite valid for denying the claim because he didn't pick up the option to cover himself in his own work place, but where he was injured on the other farm and was actually acting in the role of an employee in that situation—

Mr. Starr: Without application for coverage.

Mr. Gaunt: Yes. Without application for coverage. That's the point. But then there were other circumstances which militated against that because the second farmer, on whose farm the injury took place, did give an estimate of his payroll for that period which

indicates that he does hire additional labour throughout the year.

My feeling was that in a sense the first farmer was an employee on the other farm. However, I don't want to take the time of the committee. This is a matter we are going to be dealing with in the appeal, I'm sure, and we can work it through the appeal system. All I want to know is has there been any shift or any change in the board's attitude in dealing with this matter and how it handles these very difficult exchange labour problems insofar as farmers are concerned?

Mr. Starr: We will review it.

Mr. Gaunt: You will review it? Okay. Thanks very much.

Mr. Warner: Before I begin, I have one point of curiosity which perhaps someone can clear up for me. Am I correct in assuming that the Workmen's Compensation Board had created an ad for television and during the filming of that ad the stunt man was actually injured?

Mr. Starr: We didn't. No, we didn't. The Ontario Construction Safety Association on its own made the arrangement. We only fund it and finance the budget, but it is the one which make the decision in that respect.

Mr. Warner: He would be compensated, would he—the stunt man who was injured?

Mr. Starr: I don't know whether any claim came through.

Mr. A. G. MacDonald: We are not aware of such a claim.

Mr. Warner: Okay. Fine; Perhaps it will come to your attention later. What I'd like to do over the next few minutes is to draw on my particular experience with the Workmen's Compensation Board from perhaps a different background than what you have heard from the others.

Mr. Godfrey, who spoke earlier, obviously has some considerable background in some respect and you have heard his approach to it, based on his knowledge and experience. I came to this whole business quite fresh and without any background, as a new member of the Legislature as of September 18, 1975, I had had no experience with the board and had never dealt with the board in any way.

I had had no personal claims and hadn't worked to the extent that Mr. Lupusella, my colleague, had worked. He obviously had spent a great deal of time and had gained the respect of many people in our community in working with people. I had none of that at all.

I approached the board very fresh and open. When the first person came to my constituency office with a complaint about the Compensation Board I said, "Fine. We will pick up the phone and phone them and see what we can do." That's the way I started.

The cases mounted. We worked with them as best we could until I reached—I want to read to you a note that I left for my secretary on Wednesday, September 8, 1976; I will go back and explain the case, "Lynn, still no money. Not even a regular cheque. Either a satisfactory answer and the money or I will call Mr. Starr and raise hell, and I will camp in his office until I get the cheque."

There it is, a year later. I started out naive, obviously; fully trusting and open, wanting to think that I could pick up the phone and call people and get things settled. A year later, I'm moved to such anger that I'm going to come to your office and sit there until I'm handed a cheque.

[5:15]

I'll tell you why. I had a gentleman come to my office whose claim had been dragging on for over three years. He said "We now have a new member in our riding; maybe he can help me." He laid out his case. This is the letter he wrote and this is really the essence of the whole thing:

"I received 50 per cent permanent partial disability and 50 per cent temporary disability prior to May 15, 1975. I then received 50 per cent permanent partial disability between May 16, 1975, to September 18, 1975." Then they put him back on full compensation. So he had been on full compensation, cut to 50 per cent, and back on full compensation.

"During this entire period of time, from prior to May 15 to date, my physical condition has not changed, except for a gradual deterioration as stated by Dr. Grosfield in his report which was sent to Workmen's Compensation Board, dated March 4, 1976.

"In my view there is no justifiable reason for the financial penalty which was placed on me during the period of time from May 15, 1975, to September 18, 1975. I find the decision rendered by the claims review branch on April 14, 1976, not to be fair or just. I request an appeal." We launched the appeal; went to the appeal and presented the same information again plus an additional report from the doctor—who, by the way, was quite upset with what had happened. He got the impression that people didn't believe him. He

had submitted medical documents and people did not believe him.

On July 29, I got a letter back but there is no point in reading all of it, just the last paragraph: "The board, having considered the information on record and that obtained at the inquiry, finds Mr. Van Veen to be a creditable witness and considering that surgery was performed on November 10, 1975, concludes that Mr. Van Veen is entitled to temporary total disability benefits, less pension, covering the period May 16, 1975, to September 18, 1975. The appeal is allowed."

Mr. Van Veen, your problems are over. That was July 29 and I spoke in haste because as of Wednesday, September 8—I don't know how many weeks that is; all of August, six weeks later—he not only hadn't received the back pay but they've cut off his regular pay. He didn't get any money. For six weeks they didn't pay him anything and it was at that point, after several phone calls and no response, that I left this little note for my secretary.

I mean it—either the money comes or I go to your office and I stay there until somebody puts it in my hot little hand and I can take it back to Mr. Van Veen. I don't know how he survived except through some welfare payments and through some consideration, I will say, from Ontario Housing. I was furious. I don't know how to describe it—I was absolutely furious.

What I would like to impress upon whoever is listening is that I entered the situation as a member of this Legislature with no background, no preconceived notions about how things work, and I have had nothing but discouragement. Do you know what I have to tell those people who come to my office now and sit down in front of me? I mean a lot of people. I guess they are that 0.1 per cent you spoke about this morning. If I heard you correctly, you stated that 99.9 per cent of all those people who come to see you are happy.

Mr. Starr: I was exaggerating.

Mr. Warner: I am seeing the 0.1 per cent that is not happy I guess. What I have to tell them is, "I will do my best to help you. I will do everything I can. I cannot guarantee success because it is going to be a fight but I will enter on your behalf and I'll do the best I can. We may not be successful but I'll make an effort at it."

I have to say that because what we have here is an adversary position. It's an adversary system. Frankly, and it sounds perhaps a little hollow after only a year or so, I'm tired of that. I really am and I can imagine how my colleagues from Sudbury feel who have been at it for years and years. I'm tired of it, the same as they feel in Sudbury.

Mr. Lewis: They even look tired.

Mr. Warner: It seems to me there's a better way and it seems to me that at some point—I was here when the minister said it was not possible for her to be in attendance today. I appreciate that and I understood the minister to say that she would gladly read Hansard and try to answer whatever questions were raised. I would like an answer from the Minister of Labour (B. Stephenson): Could she tell me the reasons we cannot look at the possibility of entering into a comprehensive worker's health insurance plan and abolishing the Workmen's Compensation Board? I ask if the Minister ot Labour—

Mr. di Santo: With the Tories? You've got to be kidding.

Mr. Warner: —could address herself to that. It's not a question for the board obviously, other than that they should comment to the minister. It is a question the minister should look at seriously and I would appreciate it if she could present me with some reasons we can't look at that.

I'm not suggesting that in the next month or so you're all going to be lined up for jobs in Renfrew South—

Dr. McCracken: I don't think so.

Mr. Warner: —but at least let's have an honest look at that. All right, that aside and dealing with the real world, I have some questions for whoever can answer them. Do I take it that the board keeps a record of those companies, those places of work where injuries occur, as to the type of injury and the frequency either in relationship to the total number of work hours or the total number of employees? Is that correct?

Dr. McCracken: Yes.

Mr. Warner: Could you give me the figures for the last 12 months on the frequency of injury which has occurred at the Downsview Rehabilitation Centre? Are those figures available? Does it take some time to dig them out?

Dr. McCracken: I don't think so.

Mr. Warner: While Dr. McCracken is looking for those particular figures, I want to mention the comments of people who have had to come back to the Workmen's Compensation because of a problem, either an appeal or a new claim or whatever.

One, they are upset about having to go through that. They're scared and they really get the impression they are going to be in for a long hard fight.

Second on the list of frightening experiences is going to Downsview and I've had that said to me many times by people sitting in my office. They said, "Please don't let them send me to Downsview." That sounds like somebody pleading in court that they don't want to go off to jail. It really is quite incredible.

I have had people sit in my office and describe for me in vivid detail what their experience has been at Downsview and it's disturbing. That's why I'd like to know the injury figures over the last 12 months or whatever, however they're kept; I don't know.

Dr. McCracken: There is one set of figures which I have here. Injuries occurring while on treatment—our data show there is a greater number of injuries occurring out of treatment than on, but you're interested in injuries occurring on treatment.

Mr. Warner: True.

Dr. McCracken: Injuries occurring on treatment up to September 30, 50; as of that same date one year ago there were 71. This works out that the percentage of injuries occurring while on treatment has dropped from an incidence of 1.41 to 0.97, compared to last year. Of those injuries none was serious enough to require the person to be taken off the programme, discharged from the hospital, sent back to his family physician or transferred to another hospital for treatment. In other words they were mild types of injury —bruises, scrapes, some small lacerations, sprains.

Mr. Warner: Thank you. What is it about Downsview that frightens people?

Mr. Starr: I don't know. We always have at least 460 to 475 people going through the physiotherapy there. It is considered one of the best physiotherapy hospitals in the world. I would invite you, as an interested MPP, to make arrangements to come down at your convenience and be shown through it so you can see for yourself.

Mr. Warner: I'll be there.

Mr. Lewis: It could be the MPP.

Mr. Laughren: That's not an unusual comment from workers. We hear it all the time in the Sudbury as well.

Mr. Starr: I don't understand, I have letters that I honestly am now setting aside that thank us for the treatment they received.

Mr. Laughren: It's the people in the rehabilitation section who sense that workers have to be pushed in order to be rehabilitated.

Mr. Starr: Physiotherapists?

Mr. Laughren: Oh, I don't know what the exact title is, but they feel that workers, if they are going to be rehabilitated to break the cycle, perhaps in their mind at least, of not working, need to be pushed to the ultimate. That's what frightens them, I think.

Dr. Jacobs: Excuse me, Mr. Laughren, but I think this can be specifically answered by Dr. McCracken. I think there was a study done recently with respect to those people who were there and those who were leaving. Is that not true?

Dr. McCracken: Yes, that is correct. Starting this year, we wanted to get a handle on this and see exactly how many patients were fearful of coming to the centre, so we established a patient satisfaction form made up of two parts. In the first part we asked them to check off the boxes when they come in, such as, "Did you have trouble finding the hospital? How did you come? By car? What did you expect you were going to get in the way of treatment? How long was it your understanding you were going to be here? Who told you you were coming?" and so forth. The second part has to do with what happened while they were in the hospital.

I ran an analysis on the survey just recently, and here are some of the figures which might help you. These are figures that the patients, as they come and go, are asked to fill out, but they don't have to, and a certain number have "no response." Ninety-six per cent stated their reception and introduction to the hospital was courteous and friendly, only two per cent felt otherwise, and two per cent had no opinion; 96 per cent felt they were treated with a reasonable degree of respect and dignity while under treatment, again only two per cent felt otherwise; 96 per cent again felt that the accommodation, rooms and meals were satisfactory, only one per cent felt otherwise; 99 per cent felt the treatment areas were clean and well outfitted, one per cent had no opinion, no cases felt otherwise; 96 per cent had confidence in the people carrying out their treatment, four per cent had no opinion, and no cases felt otherwise; 95 per cent indicated they were

able to talk freely to the members of the treatment team, five per cent had no opinion, and again no cases felt otherwise; 85 per cent felt their problems were discussed with them, three per cent felt otherwise, 12 per cent had no opinion; 94 per cent indicated they enjoyed the recreational facilities, four per cent had no opinion, and again two per cent felt otherwise.

Here's the figure that's more significant, I think—again 96 per cent felt that they were able to discuss their compensable condition with the treating physician, four per cent had no opinion, and no cases felt otherwise; 85 per cent were of the opinion that they had a good idea concerning their compensation condition when they left the hospital, eight per cent had no opinion, and six per cent felt otherwise.

So we are attempting to really get a handle on this and, as you can see, there are a small number at the hospital that for various reasons—and we are trying to get at those, and even ask them if they would like to comment on it—feel they are afraid of the hospital or that the hospital is not doing what it should for them.

Mr. Laughren: I did a similar analysis all across northern Ontario, using sophisticated computer techniques, and I found out that 98 per cent of all people in northern Ontario who went to Downsview would rather have gone to Burwash.

Mr. Starr: That represented two per cent who felt otherwise, I guess.

Mr. Laughren: I see, I see.

Mr. Starr: I couldn't resist that one.

Mr. Laughren: But half of them at Downsview come from northern Ontario, as a matter of fact.

Mr. Grande: Could I ask a brief question of Dr. McCracken? Were these interviews or were they questionnaires?

Dr. McCracken: Questionnaires in English, Italian, Portuguese, French. These people were given the questionnaire sheets and they were asked, in their language, if they were not conversant in English, "Would you please look this over and check off the boxes that you think your answers should fit into?"

Mr. Grande: Would it be possible to have a copy of that questionnaire?

[5:30]

Dr. McCracken: Yes. I haven't got one here, but I'll get some.

Mr. Grande: Was the name of the patient on that questionnaire?

Dr. McCracken: Yes.

Mr. Grande: Included on the questionnaire?

Dr. McCracken: Yes.

Mr. Grande: So would you expect any kind of results other than the ones you got?

Mr. Lewis: You mean it wasn't an anonymous questionnaire, the patient's name was on it?

Dr. McCracken: Yes.

Mr. Grande: I'm just asking, would that not be reason enough to be identified so therefore the Workmen's Compensation Board could turn around and say you are not cooperating?

Dr. McCracken: No, no; it was very carefully explained, and still is, to every patient coming in. As a matter of fact, this matter was gone into by the staff of the admitting room and by the treatment staff after they arrived there, and the question was put to the first group of people that came through—quite a large number—"Would you rather have the questionnaire a blank questionnaire without your name on it, or would you like to signify how you feel, because we want to know how you feel?" The reply to that was that they wanted to tell us how they felt.

Mr. di Santo: What was the percentage of workers who answered the questionnaire?

Dr. McCracken: The ones who didn't—the no response sections—varied. On one question it will be 20 per cent, another question two per cent, another—

Mr. Lewis: Did that represent a response?

Dr. McCracken: No; well, pardon me, there are a few questionnaires where certain of the questions were left blank, so when you add them up, you take 100 questionnaires and in one question you will get 100 replies and in another you will get 98, and so forth, if you look at 100.

Mr. di Santo: Of the questionnaires that you gave out, how many were returned with an answer, or a few answers, and what questions were answered most?

Dr. McCracken: I can't tell you, of all the questionnaires that have gone through, I don't have the figures to say, for question No. 10, for instance, about the recreational facilities, how many—

Interjections.

Mr. di Santo: Of the number of the questionnaires that you gave out, how many returned answers in part or totally?

Dr. McCracken: Oh, I see what you are getting at. I haven't got that figure either, but I am told by the people in the admitting and discharge office that in the questionnaires coming to them, the vast majority of them, all the questions are completed. Mind you, there are certain areas where there will be, for instance, 20 per cent of the questionnaires that will be no opinion.

Mr. Chairman: Thank you, Dr. McCracken.

Mr. Warner: Thank you very much, Dr. McCracken. Knowing now what I didn't know prior to September 18, 1975, I think that there are a few areas that I'd better be a little more sure about before I can carry on trying to help those people who come in to my office.

One of those is, at the appeal itself, with the appeals examiner, an oath is taken by the person who is there. What is the status of that oath? What is the legal status of the oath that is taken by the person who stands in front of the appeals examiner? I don't know how else to explain it. I've been there, there's the appeals examiner, there is the constituent whom I am representing, and that constituent is asked to put his hand on the Bible, raise his right hand, and swear that the information he is about to give is true and so so, whatever words are used. It's an oath. I would like to know what the status of that oath is.

Mr. G. W. Reed: I would answer that theoretically if the person gave false evidence knowingly, he would be commiting an offence. If he gave false evidence knowingly.

Mr. Warner: He could be charged with perjury?

Mr. G. W. Reed: Yes. You are asking for the legal effect, and that would be the legal effect, because the board has the power to administer oaths, in the same fashion as a court of record in civil cases; section 80 of the Act.

Mr. Warner: Just to make sure I clearly understand this—it has the same power as if that person were in a court of law and took an oath in front of a judge? Is that the correct interpretation?

Mr. G. W. Reed: Yes.

Mr. Warner: Okay. Another area which has caused some concern for me is the collection of and the perusal of medical information. Many of the cases I have had which have been difficult have involved the person seeing his doctor. They say, "I was then referred to a specialist. I have these reports. I went to the Workmen's Compensation Board and they sent me to their doctor. And their doctor did a report. The Workmen's Compensation Board believes that report not the one that my doctor did." That's what they tell me. Could you explain how you differentiate between medical reports?

Mr. Starr: In the field of adjudication how is that considered?

Mr. Kerr: I am not quite sure, Mr. Warner, of exactly your point. Would you repeat that for me please?

Mr. Warner: The person has gone to his family physician who has made a diagnosis. Sometimes the family physician refers the person to a specialist who makes a diagnosis. The claim is entered and during the processing of the claim the Workmen's Compensation Board sends the individual to one of its doctors—one of your doctors—who makes a report. Then the Workmen's Compensation Board appears to accept the report from its own doctor but not from the family doctor of the individual concerned.

How do you differentiate between those reports?

Mr. Kerr: That's a question which applies in a great many situations, I suppose, so I can deal with it at the claims adjudication level and the operating department which is outside the appeals system. We would put weight on the more senior of the medical opinions.

If we have a difference of medical opinion, we would ask for an opinion from—really, I'm just speaking in generalities because I'm not sure of what you are getting at but maybe this will help you. If we have a difference of medical opinions we will arrange, through our medical branch, for the man to be examined by a specialist who is a specialist in that particular field. In analysing the situation and adjudicating the case, we would take the preponderance of the medical evidence and probably give more weight to the senior medical opinion.

I realize that is a general answer but I think perhaps that's the best I can do at this point.

Mr. Warner: You don't cast immediate doubt upon a medical report which comes

from a doctor not employed by the Workmen's Compensation Board?

Mr. Kerr: No. All reports are considered. Each report is considered.

Mr. McClellan: Some are more considered than others.

Dr. McCracken: If I might just add to that; so far as medical reports are concerned, a difference of opinion between medical reports tends to be the exception rather than the rule, to place it in perspective. In other words, the vast preponderance of medical reports coming to the medical department—what the family physician's opinion is and what the consultant's is and, if we want to get a further opinion, what that opinion is—in the majority of cases are in agreement.

Mr. Warner: But it's done at your direction, isn't it?

Dr. McCracken: It is done at our request, not our direction—our request and no strings attached.

In other words, my approach to the problem is—and we guard against this and, fortunately, we have not had to speak to any of the consultants that I am aware of—it's made very clear to them that they are to give their impartial opinion. They are not to be influenced in any way whatsoever and we are asking them as medical experts to give their opinion. Hopefully, this is what they do for us. We don't want a biased physician reporting to us, to be quite frank with you.

Mr. Warner: Okay. Coming back to something which was mentioned this morning, I take it that a person whose claim is being seen by you needs to be directed to a doctor, or needs to have the doctor approved, by the Workmen's Compensation Board; that that person cannot then go outside of that approval, cannot go on his own or her own to seek medical advice or a medical diagnosis. Is that—

Dr. McCracken: This must be referring to a situation in appeals, I presume, where they are asking for—

Mr. Warner: Yes.

Dr. McCracken: —a medical referee situation. Mr. Reed could speak to that.

Mr. Harding: Could I touch on this for a moment? I think in the first instance we should understand that the workman has the absolute right to choose the treating practitioner he goes to, be it a doctor, a chiropractor, whatever. That is his right, to choose to whom he goes. Once he has exercised that choice and has started attending a particular doctor, our standard belief is that he should continue with that doctor. It's in his best interest for the continuity of treatment.

If that attending doctor feels he should see a specialist, that doctor will refer him to a specialist of his choice. In those cases where treatment becomes prolonged or becomes complex, we may call the attending doctor and say: "Do you think you need the benefit of a specialist opinion? If so, do you want to choose a local specialist or do you want us to make arrangements?" If we make the arrangements, it would be either with a specialist in the man's home town, a leading specialist practitioner acceptable to the attending doctor, or we may bring him to Toronto for one of the more senior specialists or a professor of medicine or something or surgery at one of the treating universities in Toronto or elsewhere. Virtually all of the doctors' reports on which the decisions are based are external to the board; they are independent professional people and we try to find the best experts we can get.

In the event there is controversy between medical opinions in a file as to some doctor saying it is or some doctor saying it isn't probably causally related to something, then under section 22 of the Act, the board can refer the case to what we call a medical referee. When we are referring to a medical referee—and this is only in the appeal system when a critical issue has to be resolved—when we need to make a decision in that kind of a thing again we are not anxious that we should try and choose between opposing opinions so we may very well refer it to a medical referee, and in that instance we would select maybe four of the most capable people we know in this field. We will say to the man or his representative: "Here are four really first-class people. You choose which one you would like to be a medical referee whose opinion will be binding."

The medical referee can look at the file. He can look at the man. He can put him into hospital if he wants to. He can run tests, pathological laboratory tests. He eventually sends this file back. He has examined the man, he sends a complete report and he says: "I find this, I find that, I find so and so." The board accepts those results.

Mr. Warner: Suppose for a moment that an individual has been to the doctor that has been recommended and is not happy or satisfied with what has taken place. The individual

feels that he or she has the right to choose the doctor to whom he or she should go. Is that now outside of the activity of the Compensation Board and—

Mr. Harding: No. There is no absolute power to changing doctors. All we ask is that if a man wants to change his attending practitioner, then it is reasonable and proper that he should get in touch with us and say I want to switch from doctor so and so and to doctor so so. It may be that the doctor has moved. It may be that the doctor is on vacation. It may be that there is a personality conflict between doctor and patient.

Mr. Warner: That's all the person has to say is "I want to choose"?

Mr. Harding: If he writes to us and says I want to choose, our doctors will evaluate the circumstances as to whether that's a reasonable thing to do. Now, the one thing we've got to avoid, quite honestly, is a workman shopping around, doctor after doctor after doctor, merely trying to find a doctor whose opinion will coincide with his own.

Mr. Laughren: How about chiropractors?

Mr. Harding: They can go from one chiropractor to another on the same basis.

Mr. Grande: But I understand chiropractors are taken lightly by the board. They are the bottom rung, I understand.

Mr. Harding: We pay them. They are covered by precisely the same section of the Act. I can read you the section of the Act that says that.

Mr. Laughren: Is that a referral?

[5:45]

Mr. Harding: He can choose a chiropractor in the first instance, sure.

Mr. Laughren: With a referral from the doctor?

Mr. Harding: Yes.

Mr. Warner: What bothers me—

Mr. Lupusella: You don't take into consideration their opinion.

Mr. Chairman: Mr. Warner has the floor.

Mr. Warner: What bothers me is that I had a gentleman who had gone through considerable problems and been to the doctor. The doctor had indicated that there really wasn't a great deal wrong with him. The gentleman at some point ends up, by choice, in Winnipeg visiting friends and relatives and ends up in the hospital. The chief surgeon there says: "We should operate; you really shouldn't go anywhere until we operate." A quick check and the Workmen's Compensation Board says: "You do that and there won't be any payment; we're not going to recognize what's happening because you did not do it with our approval."

Now what's a guy from Toronto who's sitting in a hospital in Winnipeg supposed to do? I don't know.

Mr. Harding: I think we'll agree immediately that there are problems when workmen move outside the jurisdiction of the Ontario Workmen's Compensation Board and commence treatment in other areas. Some go to the United States, say, they hear of a clinic that they think might help them; they trot off down there.

Mr. Warner: But you won't approve that?

Mr. Harding: On those occasions where the results of that kind of surgery and that kind of treatment turns out not to be in the man's best interest, what we have tended to do is to accept the treatment and pay for it at Ontario rates. But it's a matter of medical judgement as to what was proper and what is best. I think you're looking in areas of fairly difficult medical judgements as to what is in the best interest of the man. And I think that, as a layman, I have to leave it to the specialists to advise what is in the best interests of the man.

Mr. Warner: Okay. I agree that it's difficult.

Mr. Harding: Could I just mention that under The Workmen's Compensation Act medical means medical, surgical, optometrical, dental aid, the aid of drugless practitioners under The Drugless Practitioners Act, the aid of chiropodists under The Chiropody Act, hospital and skilled nursing services, et cetera; and the drugless practitioners include chiropractors and osteopaths, they're right in the list.

Mr. Warner: Yes.

Dr. Jacobs: Excuse me, Mr. Warner, I dealt with this problem for approximately a year and I can assure you that the number of problems that arose were few and far between—this is medical aid and this is the payment group. The greatest problem, really, is that we would see in that particular area would be people who live in, say, the Sarnia area who like to go across the river to Port Huron. Then you get into a difference of rates

rather than differences of doctors. You see the same thing if you go to Thunder Bay, since there's a very reputable clinic at Rochester, Minnesota, the Mayo. Sometimes in the difficult cases you see those things, and problems arise out of them.

But I can assure you, from a year's experience in that pay section, which operates on about a $50 million budget, the problems are infinitesimal, to be honest with you. I cannot honestly go back and pinpoint any case of any major concern in that year of operation.

Mr. Warner: But you do accept that approaching a doctor is like approaching other types of services, that the person involved has the right of selection. That's something we're going to have to set out.

Mr. Harding: The Act specifically gives him the right of selection.

Dr. Jacobs: I'd like to say something else. I think when you start to get into changes of doctors, et cetera, we want a consultant's opinion. I think the best man to ask is the man who he's presently attending for his opinion, and what he thinks he should do. Then if he runs into problems and he doesn't want to refer him out, then that's another matter; but I think primarily in all these cases it would save a great deal of trouble if they did discuss the matter with the attending physician as to what is the best course, and then use that as a fundamental guideline.

Mr. Warner: Okay. Another little point which has come up is included on the yellow sheet that is handed out to people with information on the appeals procedure. One section of it says summary of information. "When an appeal is made against a decision anyone who is interested can obtain, on application, from the administrator of appeals, without cost a summary of the information upon which the decision was based."

It sounds pretty good except that it seems to me that if I am going to have to represent someone who is afraid of going into that room, knowing the experience they have had before—not particularly the individual but just that whole procedure, someone who is not used to that—showing up at 2 Bloor; walking into an austere office and so on; who isn't sure of the process; who feels that he or she has been unjustly treated to this point that is why they are having an appeal; appears to have had medical evidence from their own doctor discarded—or at least not treated seriously—it seems to me in light of all of that that what I need is not a summary of information but the medical reports, from whatever source, which are available for that particular case. Why can I not obtain them?

Mr. Harding: There are a number of dimensions to the question you ask. First of all, let's talk about the summary itself. The concept of the summary is intended to provide the workman with all of the pertinent information from the record dealing with the issue which is being raised, the specific issue under appeal, so he will know the case which has been made and on which an adverse decision has been reached. He is entitled to know that to enable him to prepare.

On the question as to whether he should have full access to all the reports, certainly, in the first instance, that is covered in section 99 of the Act which provides that all those reports are privileged. It is not the board's privilege, the privilege is the privilege of the doctor making the report. It is medical philosophy.

If you had been here yesterday you would have heard the minister review this and I know she reviewed it in the Legislature when Mr. Bain's bill was debated two or three days ago. The concept is that the attending doctor has the reports. If the workman is seen by other doctors, by specialists or by board doctors copies of those reports are all sent to the man's attending doctor. The best person to explain to the workman the nature of the medical evidence is the attending doctor.

There are other restraints on the information. Frankly, there are files in which there is medical evidence of a nature which, by law, no one can transmit. For instance, under The Communicable Diseases Act you can't do that. You may well have, in some cases—not too frequently but in some—information indicating that the man's condition is due to a terminal disease of which he is not aware.

We certainly don't believe he should learn of that kind of condition from perusing the board's files. He should learn of that responsibly from his attending doctor. The attending doctor is the person who, professionally, has the responsibility, the discretion and the facility for explaining to him in terms understandable to him what the situation or the score really is.

The idea of the summary is to enable him to come to grips with the situation. Mr. Lupusella, in his opening remarks, I believe, read into the record, and appeared to rely on it absolutely, a complete summary of information in Mr. Longo's case. Taking the points that Mr. Lupusella made—

Mr. Lupusella: I think this one was a particular case because I was involved and the

summary of the information was very detailed. But it is a unique case.

Mr. Harding: It really was a unique case. It was a unique summary.

Mr. Lupusella: The board knew of my involvement and that I was in the Legislature. They made sure they were going to provide me with all the information. It was as simple as that.

Mr. Starr: We would not do it for Mr. Warner, evidently.

Mr. McClellan: Tremendous variation in quality.

Mr. Wildman: Can I ask a question? In some cases, when a worker has been working for a long number of years he has been injured perhaps a number of times and has made a number of claims. When he tries to claim for the continuing effects of the previous injuries and you request a summary of information, you get the summary of the particular claim but unless you specifically ask for the information on all of his claims you don't get it. I recently had a case in which a worker had long-term effects of what could have been a different injury from the one he was claiming for, that is a different claim. The board never got that until, after raising a lot of complaints, the board finally went through all of his old records and got all the claims.

Mr. Harding: In the first instance, really, if the appeal is being made on one claim on which the decision has been made and the appeal comes in on that—the issue appears to be that claim—the summary will be based on that claim. The board does not maintain an historical record on each workman. We can't tell you. If you phoned us and said, "Tell me all the accidents Mr. So-and-So has had since 1947," we couldn't tell you. We don't maintain that kind of record.

Mr. Wildman: I finally got that information.

Mr. Harding: Yes, if you tell us. If you come back and say he had the same kind of problem in so-and-so and the same problem three years before that, then we will search the records of those years and those employers.

We can track them down. We can increase the summary. But we need to know that. Someone has to tell us the facts of the case. We wouldn't know that unless it was in this particular file and that it was an issue.

Coming back to your own point, if, once you have got a summary, you are not satisfied that it is as complete as you would like to see it or you suspect that there may be more in the reports, as a person with ethical standards and of professional standing you would be entitled to come to the board's office and ask to see the actual file. You will be permitted to review in their entirety the reports from which those summary points are taken on the understanding that you don't reveal that information to the workman directly and that you use it for the purpose of the appeal only on a responsible basis.

Mr. Warner: I appreciate that. What confuses me about the whole thing is that, in effect, the Compensation Board has received the information as a third person. I am another third person but I can't have it. You can but I can't. The doctor who has been employed by you or from wherever those medical records have come, ends up giving you a report. You see that report; you have a copy of that report. You are, in effect, a third person but you have received that. As another third person I cannot have that record. There is an anomaly there.

Mr. Harding: The anomaly is that we have the responsibility of administering the Act. Section 52 of the Act puts a legal requirement on the doctor to provide a report to the board but it doesn't put a legal requirement on him to provide it to anybody else.

Mr. Warner: Okay. Time is fleeting. I have a couple of other questions. I would like to know, and we have touched on it this morning, about psychological problems. I gather that if the board isn't already doing so it is moving in the direction of being able to compensate people for psychological problems.

If a person is injured on the job and, through the injury, has psychological problems about going back to that type of work, how do you compensate him? The one I have now is getting 10 per cent. I don't know how you wrestle that in your own mind. The man could never return to that kind of work again because of what happened.

I would like to know if, in your deliberations, you are thinking that you could compensate someone for their experience with the Workmen's Compensation Board. I have a gentleman right now who, after two years of having battled the Workmen's Compensation Board, is in worse shape than he was two years ago, by far. He not only won't be able to return to the job he had when he was injured, he will be lucky if he can get

any work at this point. His frustration, quite frankly, is because of his experience with the Compensation Board. Can you compensate him for his experience with the board?

Mr. Harding: We do.

Mr. Warner: You do? Can you give me chapter and verse?

Interjections.

Mr. Chairman: Order, please. Mr. Warner.

Mr. Warner: Yes, I just want to finish this up. Can you give me chapter and verse on that?

Dr. Jacobs: I think, Mr. Warner, that was explained this morning, if you were here, by Dr. McCracken when he dealt specifically with this in relationship to Mr. Godfrey. At least, I thought he did.

Mr. Warner: No, with all respect, that is not what we—What we discussed then were compensable problems resulting from psychological difficulties and not specifically that the person has ended up with a psychological problem because of dealing with the board itself.

[6:00]

Mr. Harding: I think that when you talk about the causality of psychological disability it is generally recognized that there is always multiple causality. There are a number of factors which produce emotional responses in disabled people. There are a variety of hostilities which develop in disabled people and you have to look at that as a whole and how that affects him as a whole and if, following his compensable injury, his total experiences, his total difficulties, his economic, social, his other problems combine with his basic personality to produce psychological disability, we'll look after that.

Mr. Warner: Mr. Chairman, if I have indulgence for two minutes. I can complete and then someone else could have the floor.

Mr. Harding: Could I just ask if Dr. McCracken—

Mr. Haggerty: The hour of 6 o'clock has arrived.

Mr. Chairman: If you can finish in two minutes—

Mr. Harding: Could Dr. McCracken add one minute to that?

Mr. Chairman: Yes.

Dr. McCracken: Mr. Chairman, first of all, just to supply a bit further information to the members here, I have been advised indeed about the questionnaire at the hospital, and I'd like this to go into the record, that there is no obligation to fill them out and that they do not have to sign them, but, as you can appreciate, if they don't, well then it's impossible for us to marry up part one with part two to find out what has happened to the person during his hospital stay.

Coming to the psychological disability factor, I guess that what you're trying to say is that if it is the patient's opinion, or some third party, that his condition has worsened as a result of treatment while he's on compensation—that is, exposure to the compensation system—I suppose the direction that you would have to go there and the people in the unit out at the hospital are looking at this—in other words, they're trying to assess how much effect might have happened to the person as a result of him being on compensation—but I guess the direction you would have to go is you'd have to go to his physician, for instance, and say, "Look, are you prepared to express a medical opinion that this man has a worsened psychological disability due to his being on compensation for the last two years?" If the physician says "Yes, I think that that's the case," well there's no reason why he can't put it in his report.

Mr. Warner: I'll certainly pursue that one. The very last question—I'll be very brief—are other sources of income of concern to the Compensation Board with respect to the individual?

Mr. A. G. MacDonald: No.

Mr. Warner: Then why, with the deepest respect, would someone ask a constituent of mine who is applying for compensation how much he was receiving from his veteran's allowance?

Mr. Jacobs: They wouldn't.

Mr. Warner: Sir, that question was asked.

Mr. Starr: Was this on a full compensation benefit or a supplementary?

Mr. Warner: No, the person had applied for full compensation, permanent disability, and he was asked what other sources of income he had, and he said "I have veteran's pension. I fought in the war." "How much is your pension?" He said, "I don't think that's any of your business." They said, "It may affect the amount of pension you receive from us."

I'd like that cleared up, because if you have some way of doing that in the Act, change the Act, but I don't think that's right.

Mr. Harding: I think probably—I'm guessing at this—we have been looking at the levels of compensation for permanent disability for various kinds of situations, particularly for permanent total disability, as to the adequacy of minimum levels of benefit. We've got to look at that and say, what can people live on? What other income do they have? We have been doing spot surveys from time to time, which have nothing to do with the individual case and what the man's going to get, but to give us some idea of what other levels of income or what types of income people receive coincident with Workmen's Compensation.

I think this ties into the question that Mr. Haggerty was mentioning last night in his resolution. Is there any way that all these things eventually should be tied together? How many different public purses, how many different social systems, should an individual have to look to to depend on enough income to survive in today's economic situation? It is reasonable that you should be looking at, what can he get from Workmen's Compensation? Will he get Canada Pension Plan? Does he have other kinds of insurance? Has he got the old age pension? Does he have a supplement? There are all kinds of social incomes and I think we all need to know a lot more about those kind of things.

Mr. Warner: Yes, but that's what we do in the constituency office.

Mr. Harding: It doesn't bear on his entitlement.

Mr. Haggerty: He is not as fortunate as a schoolteacher—

Mr. Chairman: Order.

Mr. Haggerty: —who can stack his pensions.

Mr. Warner: I appreciate, Mr. Chairman, the indulgence to run overtime and I'm concluding my remarks. I just would say, in one sentence in conclusion, Mr. Starr, that I certainly don't doubt the abilities of the people at the Compensation Board or their interest, but what I have come to realize over this year and so many months, is that it is an adversary position and that has to change. That really has to change. I don't know how you do it, but I suggest, sir, that somebody comes up with some answers.

Mr. Starr: May I just say this, sir, that as long as we have seven per cent rejections of claims that come before us, then it's an adversary system in that respect and in that respect alone. There's nothing wrong with seven per cent rejection. Every claim can't be approved.

Mr. Warner: Thank you very much, Mr. Chairman.

Mr. Chairman: It is now past 6 o'clock. I leave the chair and we'll sit tomorrow morning at 10.

The committee adjourned at 6:03 p.m.

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Wildman, B. (Algoma NDP)
Wiseman, D. J. (Lanark PC)
Yakabuski, P. J. (Renfrew South PC)

Workmen's Compensation Board staff taking part:
Hamilton, D. F., Commissioner of Appeals
Harding, K. B., Secretary of the Board
Jacobs, Dr. W. F., Commissioner
Kerr, W. R., Executive Director, Claims
MacDonald, A. G., Vice-Chairman, Administration
McCracken, Dr. W. J., Executive Director, Rehabilitation Services
Neal, J., Actuary
Reed, G. W., Vice-Chairman, Appeals
Starr, M., Chairman of the Board

No. 141



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Third Session of the 30th Parliament

Thursday, December 16, 1976

Speaker: Honourable Russell Daniel Rowe
Clerk: Roderick Lewis, QC

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An alphabetical list of members of the Legislature of Ontario, together with lists of members of the Executive Council and Parliamentary Assistants, appears as an appendix at the back of this issue.

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LEGISLATURE OF ONTARIO

THURSDAY, DECEMBER 16, 1976

The House met at 2:05 p.m.

Prayers.

POINTS OF PRIVILEGE

Hon. Mr. McMurtry: I rise on a point of personal privilege to express my grave concern and disappointment at the publication this morning of information contained in a report which was tabled yesterday before the public accounts committee of this Legislature in response to your warrant, Mr. Speaker, dated December 9.

As is well known to all members of the Legislature, the Ontario Medical Association brought court proceedings to prohibit the information going to the public accounts committee. The Attorney General was named as a party to the injunction proceedings and was represented by counsel from the ministry. My position as Attorney General is that the public accounts committee should have access to this information, but only for the purposes of making its report on public accounts to this House.

It was my view that if the public accounts committee was prohibited from having this information, the legislative assembly would be denied a fundamental right to information necessary for the purpose of effective government administration. However, I am deeply distressed that the information provided to the public accounts committee has now been published and used for purposes other than the work of the public accounts committee. In my view, this can only serve to undermine the confidence of the public in this legislative assembly.

I wish to point out to you, Mr. Speaker, that the chairman of the public accounts committee was advised by my ministry that the information should not be used for any purpose other than for the committee's report to the House. The chairman was advised of the confidentiality provisions of The Health Insurance Act and was told that he should keep such provisions in mind when dealing with the information.

As the Attorney General of this province, I want to make it perfectly clear that I supported the right of a committee of this Legislature to have this information. However, in my view, that information should have been kept strictly confidential to the work of the committee and the names of the doctors should not have been released. To release the information in the form in which it has been published, in my view, has effected a gross unfairness on the individuals involved as it is clearly capable in the form it was published of distorting the actual amount earned by these individuals.

I am seriously concerned that the action of the member or members who released this information to the press may well have constituted a breach of the privileges of this House. It is my understanding that any evidence taken or secured by such a committee which has not been reported to the House ought not to be published by any members of such committee or by any other person. This is, I'm advised, a long-standing principle of parliamentary procedure. I would ask you, Mr. Speaker, to look into this matter and report back to us as to whether or not there has in fact been such a breach of privilege.

Mr. Germa: I would also like to express my disappointment in the breach of confidentiality which occurred. I should point out to the House that a motion calling for confidentiality as it relates to this information was passed unanimously by the committee prior to receipt of the information. The Chair accepted the motion with the full intent that the information would be confidential. I would hope that it was not a member of this House who breached the rights and privileges of the public accounts committee.

Mr. Singer: I rise on a point of privilege in relation to certain reports that were in the newspapers concerning the events yesterday at the select committee.

In a front-page story, the Globe and Mail said that the report was tabled by the member for Sudbury and myself. It sounds as though we walked into the committee with the report in our back pocket and suddenly revealed it and now it is public. Unfortunately, that same phrase was picked up by the Star editorial writers and repeated in an editorial that was not uncritical of the chair-

man and of myself. Let me say, sir, that what happened was that there was a motion moved by the hon. member for Port Arthur (Mr. Foulds), which was passed unanimously by all members of the committee, dealing with the receipt of the report from Mr. Fetherston, the general manager of OHIP, who had all those reports in a box. He handed them over after the motion moved by the hon. member for Port Arthur was unanimously passed; it was voted for by the NDP members, the Liberal members and the Conservative members of the committee. It is of the utmost importance to me that that be cleared up in the public mind. There was no report tabled by me nor was there a report tabled by the chairman nor did we have it. What was done was there was an action upon a resolution passed unanimously and moved by the hon. member whose name I have just mentioned. It wasn't even seconded by me.

The other point, and not quite as serious, is the description of what seems to be a mad chase up University Avenue. May I enlighten the House on this? It is the last time I will ever offer the hon. member for Sudbury a ride from the courthouse to the Parliament buildings because the description of the drive bears no relation to it other than the fact that we came together. I offered him a ride and he accepted.

Mr. Grossman: Were you with him in the courthouse? Were you with him there?

Mr. Nixon: Did the member for St. Andrew-St. Patrick vote for the resolution or not?

Mr. Speaker: Order, please, order. The hon. member for Lanark only.

Mr. Wiseman: Mr. Speaker, I rise on a point of personal privilege. I sat on that public accounts committee. We had a special meeting called at 1:30 yesterday and, as everyone has mentioned, it was to study the payments to doctors who had billed OHIP for over $100,000. We passed a motion that we would have Mr. Scott look after the report, the members would get the report and Mr. Scott would review it and come back. The members of that committee would make a decision at that time as to whether it should be confidential or not. The last line of that report mentioned that it would be confidential. I think, Mr. Speaker, through your good offices, perhaps you could investigate to see who did leak that information. It would be of great help to every member on that committee because I, for one, feel—I am sure all the rest feel the same way—that there's a black mark against our honesty and our integrity until this matter is cleaned up. I am sure that every member who sits on that wants that done and if your office gives you that power, I would ask you to do it.

Mr. Williams: Mr. Speaker, point of privilege—

Mr. Speaker: Is it on the same point? We don't want to go around the whole chamber on this matter. It has been brought to the Speaker's attention.

Mr. Williams: Yes, it is, Mr. Speaker.

Mr. Speaker: I will hear the hon. member briefly.

Mr. Williams: Mr. Speaker, I wish to dissociate myself from the activities of the committee in the two special meetings it has held during the past two weeks, simply because of the manner and fashion in which they were conducted. The one held by the committee last week to request you to issue the special warrant was conducted without my prior knowledge and without my attendance. Therefore, I was not part and parcel of that particular proceeding.

I would point out that no member of the Conservative caucus was advised of the meeting last Thursday when the special warrant was issued.

As to the meeting yesterday—

Mr. Breithaupt: You really should try to attend the meetings.

Mr. Williams: —again, I received a telephone call at 1:15 to say there was to be a special meeting at 1:30. Under the circumstances, considering the fundamental private privileges involved in the matter before the committee in these urgent meetings, there is no evidence before me to justify the urgency with which these matters were taken in hand by the committee under those circumstances. To have these disclosures made, I want to be dissociated—

Mr. Speaker: I think the hon. member has made his point clear. We don't want to get into a debate about what goes on in the committee. Thank you very much. Will the hon. member take his seat.

Mr. Williams: Simply, Mr. Speaker, I don't want to be associated—

Mr. Speaker: Order, please. I have heard you on that point. Is this on the same matter of privilege, very briefly?

Mr. Foulds: On a similar point.

Mr. Speaker: But not a discussion of all the things that went on in the committee however?

Mr. Foulds: No, Mr. Speaker. As the member substituting for the member for Hamilton East (Mr. Mackenzie) on the committee yesterday who made the motion in the public accounts committee that resulted in the committee receiving the information regarding the names and addresses, et cetera, of those doctors receiving $100,000 or more in payments from OHIP. I am shocked and dismayed that the press obtained that information and that the information has become public knowledge prematurely.

[2:15]

An hon. member: I bet you are.

Mr. Foulds: I thoroughly agree with the Attorney General that it was the right of the committee to receive the information; but it was clearly part of the motion I put, that the information should remain confidential until such time as the committee should decide otherwise, and I cannot express too strongly my dismay that that has been breached.

An hon. member: Call the reporters before the bar of the House.

Interjections.

Hon. F. S. Miller: I'd like to speak to that point of privilege, too. I am not a member of the committee; therefore, perhaps I don't have to stand to exonerate my own actions. But as the minister responsible for delivering this material on the basis of your warrant, I would like to look at its effect—not on the particular matter, the information that was revealed, but really the kind of effect this has upon the people of this province who look at this Legislature and who I thought had reason to trust it.

I believe that it would be very difficult to assume that it was not a member of that committee who released that information. I believe that each one of us in this House will suffer as a result of that action. I believe the people in this province had every reason to believe that we were elected to represent the rights of people in this House, whether we agree with the principles expressed by our opposition or not. When this kind of action takes place, I believe that we as politicians have dropped one more notch in the eyes of the people of this province.

Mr. Speaker: I think the hon. Minister of Health has made a very good comment which summarizes the total picture. But just to review the events, if I may take a very brief moment, the warrant was issued; there were certain challenges; the warrant was upheld; and the information then was presented, properly I presume, to the committee. What happened in the committee really is out of the control of the Speaker and the House. It is entirely the responsibility of the committee what happened to that.

As to whether a member of the committee leaked the information or otherwise, I have no way of knowing, but really it is the responsibility of that committee to govern its own affairs as ordered by the House. I will confirm that; I will double-check that to make sure there is no responsibility on my shoulders. But at the present moment I do not see one. If I see otherwise, I will report, hopefully later this afternoon. But at the present time I see no responsibility on the Chair to take any action at this time.

Mr. Grossman: Mr. Speaker, on a point of order on that particular point.

Mr. Speaker: No, it is not debatable.

Mr. Grossman: Mr. Speaker—

Mr. Speaker: Order, please. Order. I have dealt with all the points of privilege which are all dealing with the same matter. I have dealt with the matter. If the hon. member will please take his seat, we will get on with the business of the day.

Any statements by the ministry? The Minister of Energy.

Mr. Foulds: We know what it is.

Hon. Mr. Timbrell: Maybe I should sit down; I'd be further ahead. I don't know.

NORTHERN ONTARIO HYDRO SERVICE

Hon. Mr. Timbrell: In the 1974 Throne Speech the government announced its intention to extend the electrification process to remote northern communities of the province. As a first undertaking, the construction of a transmission line to Moosonee was also announced at that time.

Today, I am pleased to announce a comprehensive electrification programme for those remaining northern communities still without power, where the cost can be justified. Depending on the interest of residents in the communities involved, this new electrification programme could assist nine small communities in northern Ontario and it is estimated

to cost the province nearly $3 million over a period of three years.

Under the programme, the province will provide Ontario Hydro with capital funds for local diesel generation or extensions to an existing transmission line. Ontario Hydro will assume full operating responsibility for this programme. To qualify for assistance under the programme a community must have a minimum of 25 year-round customers in total, who are willing to take the service from Ontario Hydro. The nine communities in northern Ontario which appear to meet this criterion are Armstrong, Hillsport, Oba, Collins, Auden, Biscotasing, Sultan, Ramsay and Kormack. On the basis of comparative capital and operating costs, the first six communities would be supplied by diesel generators. In the case of the last three, Sultan, Ramsay and Kormack, the recommended supply is by line extension connected to the Hydro rural distribution system.

Two of the communities, Armstrong and Sultan, already receive service from diesel generators operated by the Ministry of Government Services in Armstrong and by the Ministry of Natural Resources in Sultan. The government-owned facilities in both communities will be transferred to Hydro at an early date. In addition to the diesel supply operated by the Ministry of Government Services in Armstrong, nearly 100 houses receive power from diesel generators owned by the CNR. Canadian National Railways will be approached by Ontario Hydro in the near future to negotiate a transfer of CNR's power supply responsibilities in Armstrong as well as in two other communities, Hillsport and Oba. In other communities under this programme, power is currently provided by private logging company generators or by the individual homeowner at his or her own expense. Central diesel systems will be installed by Ontario Hydro to replace these private systems, again where there is sufficient demand to justify these installations.

The cost of supplying power from diesel generators is very high, approximately 20 cents per kilowatt-hour in communities accessible by road or rail and 30 cents per kilowatt-hour in communities accessible by air only, or about 10 times the cost of producing and delivering power in the rest of Ontario. It is clear that rates to fully recover costs in diesel-supplied communities would not be affordable or acceptable to the prospective residential customer. Therefore, a residential flat-rate structure will be implemented with a cost for all consumption of 6.75 cents per kilowatt-hour. This is the same charge as will be applied in 1977 to rural residential customers for the first 250 kilowatt-hours of consumption. Non-residential diesel customers, such as government agencies and private businesses, will pay rates equivalent to the true cost of providing the service.

Because of the energy conversion efficiency and cost characteristics of local diesel generation, certain high energy uses, such as electric heat, are inappropriate. Therefore, as is now the practice elsewhere, load-limiting service entrance breakers will be necessary to restrict the power available to each customer to three kilowatts at any given moment in time.

As now envisioned, the diesel electrification programme will begin in 1977 with three communities: Armstrong, Hillsport and Oba. Diesel systems are also tentatively planned for Collins, Auden and Biscotasing in 1978 and a line supply is planned for Sultan, Kormack and Ramsay in 1979. The three-year completion schedule for the nine communities is necessary to permit Ontario Hydro to develop the manpower and resources required for the installation and administration of the diesel systems. The electrification schedule was also strongly affected by the constraints on increases in government spending.

Ontario Hydro already operates diesel generators in five status Indian communities, Fort Albany, Big Trout Lake, Pikangikum, Attawapiskat and Sandy Lake. These installations were made possible by an agreement between the federal Department of Indian Affairs and Northern Development and Ontario Hydro in 1971. The electrification schedule for status Indian communities calls for installations in two more communities, Lansdowne House and Weagamow in 1977. The programme I am announcing today is complementary to the Canada-Ontario Hydro electrification programme in that it provides for the phased diesel electrification of communities under provincial jurisdiction which are remote from the transmission grid.

The same rate schedule, 6.75 cents for every kilowatt-hour, will be charged in status Indian communities, as is planned for communities under provincial jurisdiction. This rate schedule will be a major improvement for Indian diesel customers who are currently charged seven cents for the first 200 kilowatt-hours and 26 cents per kilowatt-hour for the balance of consumption. The province will be making representations to the federal government for that part of the cost not recovered through the new rate schedule at the time the issue of all provincial services to status Indians is reviewed and clarified.

With the establishment of the provincial diesel electrification programme, all remote Ontario communities, regardless of jurisdiction, will now have access to a stable, long-term power supply.

Hon. B. Stephenson: I would like to make a statement regarding an important aspect—

Mr. Stokes: A point of order.

Mr. Speaker: Order, please.

Mr. Lewis: A point of privilege. Don't you know the rules, for heaven's sake?

POINT OF PRIVILEGE

Mr. Stokes: On a point of privilege. I know it's somewhat irregular and there's no place in the standing orders to do this, but because of the importance that all residents of northern communities place on this recent announcement, I'd like to take this opportunity on their behalf to give a sincere thank you to all of the ministries which were responsible for bringing this very important service to residents in the north that have been without it for so very long.

ARBITRATION PROCEDURES

Hon. B. Stephenson: I would like to make a statement regarding an important aspect of labour relations administration. It involves the question of the settlement by arbitration of disputes concerning the interpretation of collective agreements under both The Labour Relations Act and The Hospital Labour Disputes Arbitration Act.

As members know, both statutes require unresolved grievances under collective agreements to be submitted to final and binding arbitration. There is a substantial and steadily increasing volume of arbitration under these Acts, especially under The Labour Relations Act. In 1975, 859 awards were filed with the Labour-Management Arbitration Commission. To the end of November of this year, 967 awards have been filed with the commission. In addition to the increase in volume, cases have tended to become more difficult, reflecting the increasing complexity of the substantive provisions of many collective agreements.

In recent months, I have been made acutely aware of mounting criticisms about the capacity of the existing arbitration system to deal with this increased caseload of complex disputes. A major concern that has been expressed has to do with cost. In virtually all collective agreements, provision is made that the cost of arbitration is to be shared equally by the parties. I have received vigorous representations to the effect that it is difficult and sometimes impossible for smaller trade unions and smaller employers to bear the fees now being charged by arbitrators, with the result that in some instances cases believed to be meritorious cannot be pursued.

The assertion has also been made that there is a lack of properly trained qualified arbitrators acceptable to the parties. Consequently, so it is said, a relatively few highly qualified and experienced arbitrators are required to hear the majority of cases. It is argued that this results, inevitably and unavoidably, in delays and backlogs, both in the setting of hearing dates and the issuing of decisions.

A more fundamental issue, perhaps, relates to the structure of the process. In the main, grievance arbitration is conducted on an ad hoc basis by private adjudicators, either sitting alone or as chairmen of boards comprised of union and employer nominees. Under the present scheme, the arbitrator is selected by the parties or their nominees. Failing agreement, provision is made for appointment by the Minister of Labour on the recommendation of the Labour-Management Arbitration Commission. This process may be contrasted to the scheme embodied in The Crown Employees Collective Bargaining Act where a permanent board, the Grievance Settlement Board, has been established to hear all unresolved grievances.

A further question which has been raised concerns the fundamental rationale for the consensual selection of and direct payment to private adjudicators. There appears to be a difference of opinion as to the desirability and propriety of permitting litigants to select and pay their judges. This raises the question of whether there is a need for a partially or completely publicly funded, permanent body of adjudicators similar to the Grievance Settlement Board, to which I have already referred, or some other structure.

Those are the main concerns that have been expressed to me, with increased frequency I might add, over the past 13 months. I wish to make it clear that as Minister of Labour I have reached no conclusions on any of these difficult issues nor are the issues, as I have defined them, necessarily exhaustive. I fully realize that, in addition to the critics,

there are many knowledgeable supporters of the existing system. However, what is clear to me and to my colleagues, is the need for a critical evaluation of the entire grievance arbitration system by an independent commissioner. Therefore, I am pleased to announce that the Honourable Arthur Kelly, a former member of the Ontario Court of Appeal, has agreed to undertake the task. He has been appointed under section 34 of The Labour Relations Act as an industrial inquiry commissioner.

I should like, with your permission, Mr. Speaker, to table the appointment which defines the commissioner's terms of reference and which reads as follows: "I hereby appoint the hon. Arthur Kelly as an industrial inquiry commissioner to inquire into, report upon and make recommendations concerning grievance arbitration under The Labour Relations Act, RSO 1970, chapter 232, as amended by 1975, chapter 76, and The Hospital Labour Disputes Arbitration Act, RSO 1970, chapter 208, as amended by 1972, chapter 152, including, without limiting the generality of the foregoing:

"(a) The structure of grievance arbitration with particular reference to the use of (1) ad hoc arbitrators or boards of arbitration selected and paid by the parties, (2) permanent arbitrators or boards of arbitration, established by statute, and publicly funded, (3) any combination of, or variation in, (1) or (2) or any other structure for the resolution of collective agreement disputes by arbitration;

"(b) The arbitration process, with particular reference to methods and procedures for expediting the hearing and disposition of disputes;

"(c) The availability and utilization of arbitrators, with particular reference to training, tenure and remuneration; and

"(d) Any other matter which, in the commissioner's discretion, is deemed to be relevant to the prompt, equitable, economic and workable resolution of disputes, by arbitration, concerning the interpretation, application, administration or alleged violation of collective agreement under The Labour Relations Act or The Hospital Labour Disputes Arbitration Act.

"And to review and make recommendations concerning The Ontario Labour-Management Arbitration Commission Act, RSO 1970, chapter 320."

[2:30]

URBAN TRANSPORTATION ASSISTANCE PROGRAMME

Hon. Mr. Snow: On Tuesday, November 30, the Treasurer and I met with Transport Canada Minister Otto Lang and Finance Minister Donald Macdonald to discuss the federal government's proposed urban transportation assistance programme. Today, I'd like to bring the House up to date on the outcome of that meeting but, before I do, I'd like briefly to remind the members of some of the background leading up to it.

As I believe all hon. members are aware, the federal government has expressed its intention for several years to support urban public transportation. Starting back during the 1974 federal election campaign, Prime Minister Trudeau announced full support of urban public transportation and promised a financial assistance programme which would promote progress in this important area. And in 1975 the then Minister of Urban Affairs, Barney Danson, and the then Transport Minister, Jean Marchand, repeated federal expressions of support. Even since then, Ottawa has consistently proclaimed the needs and benefits of public transportation with announcements promising financial involvement in commuter rail equipment, station developments, public transit vehicles, innovative demonstration projects, to mention a few.

Thus, as far as Ontario goes, the federal government has agreed to provide assistance to certain important programmes and projects in the area of public transportation. The Toronto transportation terminal redevelopment project is an excellent example. From its inception, the federal government co-operated with the provincial government in evaluating the needs of the Toronto transportation terminal. They also co-operated in the development of a plan which would permit the much-needed expansion of urban transit services, the continued efficient operation of federally controlled rail service and the introduction of the improved intercity passenger service. Federal ministers have agreed on several occasions that a cost-sharing agreement be drawn up, laying out federal and provincial contributions for the design and redevelopment in this area.

Another example is the 80 bi-level rail cars now on order being manufactured by Hawker-Siddeley in Thunder Bay at a cost of approximately $38 million. Here, my predecessor, the member for Sault Ste. Marie, received a verbal assurance from then Minister of Transport, Mr. Marchand, that Ottawa would finance the purchase of this equipment. It is important to note that not only will these cars

increase capacity on the lakeshore line but they will also free up existing equipment which, along with the Toronto transportation terminal improvements, will make possible the implementation of the Streetsville-Milton GO rail line.

Naturally these various announcements, promises and programme undertakings were greeted with enthusiasm by the public, by the municipalities and the provinces. And why not? Because, simply stated, there's no question that public transportation is a necessity in today's urban communities. As well, the need to pursue means of conserving energy is widely recognized. All levels of government are now fully aware that the proper development of urban communities is vitally linked to transportation, and congestion and pollution must be overcome if our cities are to be attractive.

Thus, we welcomed the idea of federal help, which brings me to the federal proposal announced on August 27, 1976, by Mr. Danson and Mr. Lang, again restating their considered concern over energy conservation and an improved urban environment. But the proposed programme not only fell far short of expectations raised by previous announcements, but it raised many new concerns. It was to discuss those concerns openly and directly with Mr. Lang, while offering the full co-operation of this province in structuring a programme compatible with the needs of the municipalities and the province, that I went to Ottawa on November 30.

I'm going to outline as quickly as I can the various components of the federal proposal, then our specific concerns and, finally, the outcome of the discussions. Essentially, the federal government now proposes to lump these urban transit-related programmes with its railway relocation and crossing programme and let them compete for a limited amount of money, which is an annual allotment to Ontario of approximately $16.5 million. In contrast, Ontario had expected to receive at least the $16.5 million to meet its most urgent priorities in grade separations alone.

For this reason, if no other, we cannot agree it's logical to insist that the dollar costs of all these other programmes be met from such a small allocation. Don't forget that in contributing to grade-crossing safety projects, the federal government is only discharging its responsibilities which grow out of its jurisdiction over railways. In plain language, the objectives in the grade-crossing programme are quite different from those of the urban transportation assistance programme.

We expressed our views quite strongly to both Mr. Lang and his colleague, Mr. Macdonald, for only they can decide whether or not they can find the funds necessary to discharge their obligations and join us in our programme aimed to increasing the use of urban transit. I am sure, however, that Mr. Lang now recognizes our viewpoint, that the two programmes are totally unrelated and must remain separate. I say that because he did intimate he would lift the freeze on priority grade-crossing approvals.

I also expressed my concern to Mr. Lang over the fate of the Toronto transportation terminal redevelopment. This complete project is dependent upon the previous federal assurances of financial support. The Ottawa government must recognize that its hesitant attitude places this entire project in jeopardy. I have already mentioned the contract for the 80 double-deck cars for GO Transit, to which we committed ourselves at a cost of $38 million only after the federal assurance of financial assistance. I have asked Mr. Lang to clarify his government's intentions in this matter as early as possible.

Based on our experience in that area, I am not prepared to make a provincial financial commitment to the Toronto transportation terminal project, based solely on any assumption that federal funding is going to be available. This very important project can proceed only when and if there is a firm federal commitment. I shall have to add that if the Toronto transit terminal project is delayed, then the Streetsville-Milton GO rail services will also be delayed because terminal and track improvements are a prerequisite to this new service.

Basically, then, my main concern with the proposed assistance programme is this: It endeavours to cover too many programmes with too little money. Let me quote some figures to place the federal contribution of $16.5 million in its proper perspective. The federal subsidy of about $16.5 million is to cover public transportation, grade separation and railway relocation studies and implementation. Ontario's financial requirements to meet its annual needs in the transit component alone are now calculated to be $206 million. On top of that, the provincial municipalities also annually spend, at the current rate, approximately $90 million—this for a total provincial-municipal contribution of $300 million.

Mr. Cunningham: Time.

Hon. Mr. Snow: In addition to this is a large expenditure for both the province and

the municipalities for grade separation. It doesn't—

Mr. Deans: He should have issued the statement from his office or something.

Hon. Mr. Snow: —take a mathematical genius to understand that the federal government's contribution is a mere 5.6 per cent of that total. And since one of my predecessors, the former then Minister of Highways, Mr. MacNaughton, first outlined this government's commitment to transit, beginning with subway contributions in—

Mr. Deans: I thought the Premier was going to leave tonight.

Hon. Mr. Snow: —1964, the total provincial expenditures in transit have amounted to $428,855,000 in capital and operating cost subsidies to the end of the 1975-76 year. If you include the current year's estimated expenditures, this total becomes approximately $635 million.

Mr. Cunningham: Time.

Hon. Mr. Snow: Over that, the municipalities have spent many additional millions. Unfortunately, I was not able to pull those figures together for this statement.

Meanwhile, the federal government's total contribution to public transit in Ontario has been one $10 million grant to cover rolling stock for the Richmond Hill GO line. I'm aware, of course, that Mr. Lang, like all of us, faces problems of funding restraints and cutbacks which, to a certain extent, tie his hands. But at this time I must emphasize that both the objective of our grade-crossing programme and the objectives of our urban transportation programmes are too important to sacrifice.

Mr. Lang has indicated to me that he expects to review the results of our November 30 meeting with his cabinet colleagues and get back to me before the Christmas recess. To date, however, I have received no reply.

That doesn't mean, however, that I am not hopeful that Mr. Lang will get back to me in the very near future. However, I felt that I should inform this House of exactly where we stand on this very important matter.

Mr. Reid: He might even fly in.

CHILDREN'S LAW REFORM ACT

Hon. Mr. McMurtry: Mr. Speaker, today I will be introducing The Children's Law Reform Act. When I introduced The Family Law Reform Act and The Marriage Act for first reading earlier this session, I indicated that there was still one extremely important area of law which had not been directly addressed, that being the law relating to children.

I specifically noted that The Family Law Reform Act and The Succession Law Reform Act give all children the same rights to support and inheritance regardless of the marital status of their parents.

The Children's Law Reform Act carries forward the programme of family law reform I announced at that time by abolishing the status of illegitimacy for all purposes of the law of Ontario and by providing the legal framework necessary to facilitate establishment and recognition of parentage regardless of the marital status of the parents.

This bill is a direct outgrowth of the family law reform legislation which is before this House and which will be reintroduced next session. Therefore, by presenting as complete a picture as possible of our programme of family law reform, we can achieve a fuller discussion of the programme in our continuing consultation with the public.

Just as allowance has been made for adjustments and refinements in our other bills, so too we would expect that alterations or additions may well be necessary in the details of this bill. In particular, it is my hope that this bill can be expanded as soon as possible to deal with the issues of custody, guardianship and other related matters. I would like to turn now to a brief outline of the main features of the bill.

Part I abolishes the status of illegitimacy and declares that for all purposes of the law of Ontario, the legal status of a child is independent of the marital status of his parents. A child's rights and obligations will no longer depend on the decision of his parents to marry or not to marry.

[2:45]

Part II provides legal means to facilitate establishment and recognition of parentage. Although all children will be equally entitled to their rights, in order to exercise those rights in any given case a child will have to establish that he is in fact a child of the person in respect of whom he is making his claim.

Under part II parentage can be proven or established through three devices, which are differentiated according to the strength of proof they provide.

The most definite method of establishing parentage will be to obtain a judicial declara-

tion of parentage in the Supreme Court or the unified family court, where it exists.

Mr. Cassidy: On a point of order.

Mr. Speaker: Order, please. The hon. Attorney General has the floor. You may have a point of order in a moment.

Mr. Cassidy: On a point of order.

Mr. Speaker: The hon. Attorney General will yield then, please. Your point of order?

Mr. Cassidy: With great respect, it has been half an hour of statements and is this not the kind of statement which should be made—

Mr. Speaker: Order, please.

Mr. Cassidy: —which should be made at the introduction of the bill—

Mr. Speaker: Order, please. It is not a point of order.

Mr. Cassidy: Mr. Speaker—

Mr. Speaker: Order, please. I have ruled it is not a point of order.

Hon. Mr. McMurtry: Such a declaration will be recognized for all purposes of the law of Ontario unless and until a further declaration is obtained. Limitations are built in to prevent persons from obtaining declarations in respect of deceased persons where there was no strong evidence of parentage in the lifetime of the deceased. It is expected that in most cases it will be unnecessary to obtain a declaration and that parentage will be presumed where defined circumstances exist, just as we have always operated on the presumption that a child born in a marriage is the child of his mother's husband.

The bill sets out six circumstances in which it is felt desirable to recognize that the man is the father of the child unless the contrary is proven on a balance of probabilities. The first three presumptions, relating to situations where a child is born in a marriage or where his parents marry after his birth, merely reflect the present law. In the fourth presumption the principles of the present law are extended to the situation where a child is born in a union of some permanence but where his parents have not married. The fifth and sixth presumptions deal with cases in which there is a clear public recognition of paternity of the child—in the one case where the parents have made a joint, formal acknowledgement of the parentage which is publicly registered, and in the other case where a court has made a finding of parentage in a judicial proceeding where parentage was in issue.

The third method which the bill provides for establishing parentage concerns written acknowledgements of parentage that are against the interest of the declarant. In any proceeding where parentage is in issue, such an acknowledgement will be taken as proof of parentage but only if there is no other evidence to the contrary. Thus, in most cases, this kind of acknowledgement will be conclusive only where parentage is not in dispute.

Paternity is notoriously easy to allege but difficult to disprove. A wrongful allegation can often be disproved by blood testing. The bill facilitates the introduction of blood-test evidence and permits the court to make appropriate use of it. The court will be able to approve the use of blood tests in a proceeding where parentage is in issue, but the consent of the person to be tested will always be required. Thus, the tests are completely voluntary. However, the refusal to consent to a test will allow the court to draw such inferences as appear proper in the circumstances. Procedures are set out for obtaining the consent of minors and persons who are mentally incapable of consenting to a test.

Finally, the bill provides that statutory declarations of parentage, judicial declarations of parentage, and statements of judicial findings of parentage will be filed in the office of the Registrar General. However, filing will not affect the evidentiary value of the material filed. The intention is merely to provide a central location where persons, such as executors, may conduct a search for persons who have legal rights or obligations arising out of a birth outside marriage.

The provisions specifically limit the right of inspection to persons who have a proper legal interest in such matters.

In conclusion, I wish to emphasize again that while I believe the principles embodied in this bill are fundamental to the progress of family law reform in this province, I recognize that amendment and elaboration may be required. I therefore look forward to a continuation of the informed public comment we have received in relation to our other bills on family law.

SOLICITOR-CLIENT COMMUNICATIONS

Hon. Mr. McMurtry: Some weeks ago I gave an undertaking to this House and particularly to the member for Ottawa East (Mr. Roy) that before we prorogued I would be making a statement with respect to the problems that have arisen in relation to wiretaps.

Therefore, I would like to advise the members of this House that I have today caused to be issued, in the form of a directive to all Crown attorneys and Crown counsel in my ministry, a three-part document which is an attempt to ensure that all possible steps are taken to preserve solicitor-client privilege in cases where the interception of private communications is authorized under section 178 of The Criminal Code.

It is first of all important to distinguish between those cases where a solicitor is an object of the interception—that is, where the police have reasonable grounds to believe that the solicitor himself is involved in the commission of a criminal offence—and, secondly, those cases where there is no allegation or suspicion that the solicitor himself is involved but where the person who is alleged to be involved talks to a solicitor.

As the Algoma District Law Association stated when commenting about a recent case in Sault Ste. Marie which involved a solicitor as an object of the interception: "With respect to breaches of The Criminal Code the solicitors in this province are in no different position than any other citizen." However, it is important that the clients of a solicitor alleged to be involved in criminal activity, who have no connection with that criminal activity, be ensured that their privileged communications with him are protected and similarly that the clients of other solicitors who might use the same room or telephone as the named solicitor also be protected.

In the second type of case, where there is no allegation that the solicitor himself is involved, we are concerned that the solicitor-client privilege of the person who is the object of the interception be protected.

Let me then summarize briefly the content of this directive, which is a very lengthy one. First of all, it relates to those cases where a solicitor is an object of the interception; that is, where there is an allegation that the solicitor is himself involved in criminal activity.

This directive contains initially a section entitled "Direction to Designated Agents of the Attorney General," wherein I have told all agents to advise the judge to whom the application for an authorization is made that the object of the interception is a solicitor, and that it is proposed to intercept only those communications that relate to the commission of the criminal offence described. The agent will further advise the judge that it is our desire at least to minimize, if not entirely eliminate, interception of privileged communications. To accomplish that objective physical surveillance will therefore be used where possible and what is described as the "cease"—or stop—"monitoring technique" will also be used in every case. We have prepared, in part three of this directive, draft clauses which the designated agent will put before the judge for his consideration. These are clauses which, if inserted by the judge, will in our view accomplish this objective. We have, in part two of this directive, set out guidelines for police officers which we believe will ensure that both the letter and spirit of any restrictive clauses will be carried out.

Dealing secondly with those cases where the solicitor is not the object of the interception, let me also summarize briefly this directive. In part two, we are requesting the police to provide my designated agent with any evidence revealed during the course of their investigation from which it could be reasonably concluded (1) a solicitor-client relationship exists between the suspect and a solicitor and that (2) any one or more of the proposed known locations for interception might reasonably be expected to produce a privileged solicitor-client communication.

In part one of the directive, I have instructed all agents designated by me, pursuant to section 178 of The Criminal Code, that in all cases where it is proposed to intercept the private communications of a person in a jail, courthouse or other similar place where there is a substantial likelihood that a privileged communication between that person and his solicitor will occur, they should draw to the attention of the judge to whom the application is made the question of whether a clause should be inserted in the authorization requiring the police either to not intercept or to cease intercepting at the point in time where reasonable grounds exist to believe that the communication is with a solicitor and is privileged.

The directive goes on, in part two, to advise police officers in detail as to how and when an interception should be terminated and when any interception can be recommenced.

I think it is important to recognize that while the general tenor of this document is the protection from interception of all communications that are subject to solicitor-client privilege, even greater steps must be taken to preserve that privilege in respect of accused persons who are in custody.

Acting under this directive, my designated agents with the co-operation of the police will make all reasonable efforts to minimize and, where possible, eliminate the interception of any communication subject to solicitor-

client privilege. However, we must all realize that the protection of privacy legislation, as has been stated by the Solicitor General, does provide an effective law enforcement tool and that it would be impossible to prohibit the interception of all conversations in which lawyers may be involved.

I should further state it may well be that this directive does in fact go further in its attempt to preserve solicitor-client privilege than what the legislation itself envisages. Section 178 of The Criminal Code would appear to assume that conversations subject to solicitor-client privilege would be intercepted. However, I am convinced that every reasonable effort must be made to prevent that occurring and that in issuing this directive we have taken every reasonable step to do so.

POINT OF PRIVILEGE

Mr. Sargent: On a point of privilege, Mr. Speaker, I talked to Mr. Karl Mallette, the head of Gray Coach Lines, about an hour ago. He informs me that during the appeal period Gray Coach will lose about $1½ million which will result in a cutback of the Gray Coach Lines buses to Owen Sound. In the spirit of Christmas, I say to the Premier I am sending over a 26-ounce bottle of Coke.

An hon. member: Is there glass in it?

Hon. Mr. Handleman: Is it the real thing?

An hon. member: Is it returnable?

Mr. Speaker: I suggest you check it for glass.

Mr. Breithaupt: You had better strain it first.

Mr. Speaker: The hon. member knows that wasn't really a point of privilege, but it's in the Christmas spirit. Now we will have the oral question period.

OHTB BUS LICENCE

Mr. Lewis: Maybe I can pick up on the Christmas cheer extended to the Legislature by asking the Minister of Transportation and Communications, now that the Conservative member for Wellington-Dufferin-Peel (Mr. Johnson) has joined the Conservative member for North York (Mr. Hodgson), in conjunction with members of both opposition parties, to criticize fiercely the decision of the Ontario Highway Transport Board and to appeal for its reversal, how about reversing it in advance without going through the procedure of further information?

Hon. Mr. Snow: The obtaining of the further information that I have asked the Ontario Highway Transport Board to get is a very important matter relating to this appeal. Unfortunately, I do not believe the time schedule that I announced in the House or in reply to a question will be able to be met. I understand the chairman of the Highway Transport Board met this week—I believe yesterday—with counsel for the parties involved. I understand, although I have not any direct communication from the chairman, that the counsel for Gray Coach asked that the start of the hearings be delayed from January 3 until January 25. So it is going to be a little longer process than we had thought, but it's at the request of Gray Coach that the delay is taking place.

Mr. Yakabuski: Supplementary: I am wondering if the minister knows whether Karl Mallette has ever personally visited that rat hole of a bus terminal down on Bay Street?

Mr. Breithaupt: That's right on the point.

Hon. Mr. Snow: No, I don't know.

Mr. Lewis: I want to pursue it briefly by way of supplementary. Since there appears to be developing a unanimity of opinion among members of all three parties in the Legislature that the decision was a mistaken one, why countenance any delays at all? Why not simply insist on early hearings or make the reversal in the light of what his own colleagues are now bringing to his attention?

[3:00]

Hon. Mr. Snow: Mr. Speaker, I have not had any such communication from any of my own colleagues on this side of the House.

Mr. Lewis: You haven't?

Mr. Riddell: What do they do? Talk behind your back?

Hon. Mr. Snow: I will say that to my knowledge the appeal has not yet been presented by Gray Coach Lines so unfortunately it cannot be dealt with by the cabinet even if cabinet were to decide to deal with it without waiting for the further information.

PROPOSED RECREATION COMPLEX IN VAUGHAN

Mr. Lewis: A question, if I may, of the Treasurer, Mr. Speaker. I take it that the

Treasurer is aware that Taft Leisure Parks Limited, of Cincinnati, has an application pending with the Foreign Investment Review Agency?

I'm sorry—you want me to refer that elsewhere? You want me to redirect it?

Hon. Mr. McKeough: To the Ministry of Industry and Tourism.

Mr. Lewis: I'm not quite sure that is so; let me just complete it. Taft Leisure Parks Limited of Cincinnati has applied to the Foreign Investment Review Agency for approval to build in Vaughan township this massive amusement park. I gather that TEIGA has been requested to put Ontario's position before the Foreign Investment Review Agency. Can the Treasurer indicate publicly what he will say to this extraordinary proposition?

Hon. Mr. McKeough: Mr. Speaker, there is an error in the Leader of the Opposition's question. We have not been so requested. The Ministry of Industry and Tourism is the contact point between FIRA and the government as a whole. We have been asked as a ministry to give our comments to the Ministry of Industry and Tourism; whether we have done so or not I don't know.

Mr. Lewis: I see. You give it to them and they convey it?

May I redirect to the Minister of Industry and Tourism? Surely he is going to tell FIRA that the proposition of Taft Leisure Parks Limited of Cincinnati coming into Ontario to build a vast amusement park in Vaughan township doesn't sit well with this government—in fact the whole idea of an amusement park doesn't sit well with this government—and if anything is built it will be built here in Ontario by Canadian companies? Surely that will be his answer when FIRA asks him for his views?

Mr. Speaker: I presume that was placed interrogatively?

Mr. Lewis: That's a question.

Hon. Mr. Bennett: I shall express the views of the ministry and the government to FIRA under the conditions that have been set, which are of a confidential nature. That is the way the reports have been dealt with, whether it be with this particular application—

Mr. Lewis: Come on. That's a copout.

Mr. Speaker: Order, please.

Mr. Lewis: Confidential?

Hon. Mr. Bennett: I beg the indulgence of the Leader of the Opposition. With FIRA applications, when this government or this ministry expresses a position from Ontario, it is on a confidential basis. That is the way it has been handled in the past, except when there is unanimous acceptance by the federal and provincial governments that the positions of those governments shall be disclosed.

Mr. S. Smith: Is it possible to ask a supplementary of the Treasurer even though it was redirected from him?

Mr. Speaker: It seems they are both involved with it. We will allow it.

Mr. S. Smith: Thank you, Mr. Speaker. By way of supplementary, has the Treasurer changed his opinion from that which he expressed some time ago in a letter to Vaughan township, in which he strenuously opposed it and indicated that he would not look favourably on that particular Coney Island type of development?

Hon. Mr. McKeough: I would want to reexamine that letter but I don't think I strenuously objected. What I pointed out in the letter were some of the problems which we suggested to the township and to the region—to Vaughan and York—some of the inherent problems as seen by some of the ministries of the government with that development. Presumably they did so and, as the member is perhaps aware, that particular amendment to the official plan, as I understand it, has been approved by Vaughan and, I think, by the regional council as well.

Mr. Lewis: As a matter of policy, to the Minister of Tourism and Industry, leaving aside the specifics—

Hon. Mr. Davis: Are you going to the Coney Island of Florida?

Mr. Lewis: —does it strike him as appropriate and useful that this kind of development—Coney Island was a pretty neat designation of it—does he think that kind of development is useful here, imported from the United States?

Hon. Mr. Davis: How about Disney World?

Mr. Lewis: If it was Disney World, I might be converted.

Hon. Mr. Handleman: How do you know it is not?

Mr. Hodgson: Why don't you go and look at it? Why don't you go down and look at it?

Hon. Mr. Bennett: First of all, I have not been asked by FIRA to express an opinion on behalf of the province of Ontario—that's number one. Number two, I think if the leaders of the two opposition parties would take the time to review the plans, they'd find out it is not a Coney Island in any way, shape or form. Number three, the NDP and the Liberals can sit back and talk about what this government is going to do to produce employment in the province of Ontario, particularly meaningful employment—

Interjections.

Hon. Mr. Bennett: That's it, go ahead.

Mr. Speaker: Order, please. Order, please. There are too many interjections here this afternoon.

Hon. Mr. Bennett: This is one thing we are doing in Fort William and Thunder Bay to provide some meaningful employment for young people during the summer period, the university students and so on.

Mr. Nixon: What did you do about Minaki Lodge?

Mr. Roy: Why don't you build a lodge on a ski jump?

Hon. Mr. Bennett: We believe this project, if it should go ahead either under Canadian partnership with an American organization or singularly American, if it should go ahead, that it will provide some employment. We shall, as a ministry, be expressing an opinion, but the opinions of FIRA will be that of the provincial government.

Mr. S. Smith: It is prime farm land.

Mr. Roy: Tell us about Maple Mountain, Claude.

Mr. Speaker: Any further questions? The Leader of the Opposition?

Interjections.

Mr. Speaker: Any further questions?

Interjections.

Mr. Speaker: Order, please. We'd like to get on with the proper question period. The hon. Leader of the Opposition.

Mr. Lewis: I know the minister has a talent for building merry-go-rounds, God knows, but I'm not sure that justifies the jobs.

Mr. Roy: That's not fair, Claude. Use your expertise for ski jumps.

Mr. Speaker: Order, please.

RENT REVIEW PROGRAMME

Mr. Lewis: May I ask the Minister of Consumer and Commercial Relations, as the year comes to an end, is there any further statement the minister is prepared to make about the extension of rent review or rent control—better use rent review and not provoke him—beyond July 1977, since it is clear now that no legislation will be forthcoming before March or April of next year?

Hon. Mr. Handleman: Any announcement about future legislation will be announced in the usual way when the government comes to a decision. At the present time, the only statement I can make is that there is no announcement to make.

Mr. Lewis: Fine, thank you.

Mr. Speaker: Further questions?

Mr. Cassidy: Supplementary: In view of the uncertainty that the government's vacillation on this issue has created for the landlords as well as for tenants, and in view of the fact that landlords must in April decide what rent increases to require of their tenants—

Mr. Speaker: Order, please. Is there a supplementary to this question?

Mr. Cassidy: Yes, Mr. Speaker.

Mr. Speaker: Get to it, please.

Mr. Cassidy: What advice or what counsel would the minister give to landlords or tenants who are facing that uncertainty and having to make rent decisions in the new year?

Hon. Mr. Handleman: I don't know what rent decisions have to be made. The present legislation requires 90 days' notice and before the expiration of the Act. That would give them May 1, 1977 before anybody has to make any kind of a decision based on the present legislation. That's five and a half months away. I can assure the member there will be an announcement before then.

Mr. Speaker: Does the hon. Leader of the Opposition have further questions?

Mr. Cassidy: Supplementary, Mr. Speaker.

Mr. Speaker: Final supplementary.

Mr. Cassidy: Does the minister intend the legislation be passed by May 1, 1977?

Hon. Mr. Handleman: I have made no announcement with regard to any legislation to be introduced in the usual way.

WATER POLLUTION

Mr. S. Smith: A question, first of all, for the Minister of the Environment, regarding the level of radiation in Serpent River. Given the statement which the minister made in Elliot Lake on August 17 that he would be carrying out an examination and taking corrective measures, could he tell the House exactly what he's intending to do to clear up that problem, particularly among the Indian families who drink that water? And what exactly he's done up until now, since August?

Hon. Mr. Kerr: First of all, since August the Environmental Assessment Board has conducted hearings in Elliot Lake. We expect they will be resumed early in the year. However, the subject that the hon. member is talking about deals with an Indian reserve which, as the hon. member knows, is under the jurisdiction and control of the federal government.

We have been working with the federal government regarding the possibility of contamination of some of the wells on the reserve. There are one or two which show levels above our standards and our criteria that we're concerned about. However, the wells generally on the reserve are safe; they're below the three picocuries per litre.

We have been testing the water itself, the raw water from the Serpent River, and we feel that there is some danger from drinking there and therefore, that the wells should be corrected and used as a source of drinking water.

As the article this morning says, there is some difference of opinion regarding criteria. We feel that ours are more accurate and more realistic, but we're satisfied that if we continue working with the federal government there will be a source of clean drinking water for those natives on that reserve.

Mr. S. Smith: By way of brief supplementary, would the minister not feel that the time has come to insist that the tailings from the various mines in Elliot Lake be returned to the mineshaft wherever possible? Isn't it time we actually embarked on a sensible policy of that kind?

Hon. Mr. Kerr: Yes, that is one of the terms of reference, shall we say, of the Environmental Assessment Board, that before the two companies that are in Elliot Lake expand their operations or carry out uranium mining, they not only look after existing abandoned tailings areas but they also look after any tailings areas that will result from their expansion and activities there.

FRENCH-LANGUAGE EDUCATION

Mr. S. Smith: Mr. Speaker, a question for the Premier, if I might, regarding the difficult situation—admittedly very difficult situation—which has arisen over the past years in the area of Windsor regarding a possibility of a French-language secondary school: Is the Premier prepared to intervene in some way, to use his own prestige and authority to help the two sides come together, to offer perhaps whatever funds might be necessary to help resolve the problem without bitterness, so that what seems to be turning into a rather nasty running sore could be healed in time at least for the whole process of national unity, not to be in some way distorted by the difficulties in that area?

Hon. Mr. Davis: The Minister of Education informs me that Mr. McLeod, who is attempting to mediate some of this, is still in the community. He has not submitted a report, but when that occasion takes place we'll be delighted to communicate that information to the member for Hamilton West and to other members who represent these constituencies.

Mr. S. Smith: By way of supplementary, I can understand wanting to wait for this report, but could the Premier give us some indication of when this report is expected and could he perhaps take some action to hurry it up if possible, so that the feeling there can be dealt with and the matter healed and Ontario improved generally as a consequence?

Hon. Mr. Davis: I can't give the leader of the Liberal Party any indication as to when this report will arrive. The minister has himself over the past several months, I know, had a number of meetings. Perhaps the leader of the Liberal Party has discussed this with his own member for Essex South, who I understand has some views on this and perhaps has been, as the local member, attempting to reconcile some of these. I am not sure of that, but I would assume that he has, and has communicated this to his leader.

Mr. Sargent: You are the one who is in trouble, not him.

Mr. Speaker: Order, please.

Hon. Mr. Davis: I would say to the member for Grey-Bruce, before he gets into something about which he knows nothing, which is not unusual, he should check with his fellow member before he says too much. It's one of those occasions when, if he thought a little bit first before he spoke, it would stand

him in very good stead. I know it is unusual, it would be uncustomary—

Mr. Sargent: It is not true.

Hon. Mr. Davis: —it has never happened before, but I would suggest with respect he do it.

Mr. Conway: Is that creative tension, Bill?

Mr. Roy: Mr. Speaker, if I might just ask a brief supplementary of the Premier, if I can get his attention.

Hon. Mr. Davis: You have my undivided attention.

Mr. Roy: Recognizing the difficulty, as we all do, and I think as my leader does, and I am sure the Minister of Education does as well, and recognizing the fact that taxation or money is one of the issues, would it not be possible for the Premier, in view of the demand by the people in the community and in view of the difficulty by the taxpayers in that community in paying additional taxes—God knows, school taxes are high enough—to give some consideration to the province accepting the full load of taxation for this type of project?

Hon. Mr. Davis: Actually if the member will go back in Hansard a few years, if he wishes to, we have had as I recall it a number of French-language high schools built. They have been built in a number of communities with very little difficulty. There were additional funds provided and there have been certain financial suggestions made, if memory serves me correctly, in Essex, and I think I am right in saying the concern in that part of the province is not totally related to the matter of finance. Some of the member's colleagues who, I think, are very close to this situation will acquaint him of that fact.

[3:15]

DEVELOPMENT OF JUNIOR MINES

Mr. S. Smith: I have a brief question for the Premier. Regarding the Ontario Securities Commission, can the Premier now report to the House the findings of the advisory board which he set up regarding policy 3-02, the regulations on junior mines? Considering that they have now had over three months to prepare it and that the Premier replied on November 2 that he'd be reporting by the end of this year, is he prepared in fact to make that report?

Hon. Mr. Davis: The Minister of Natural Resources (Mr. Bernier) is much closer to this matter than myself. I'm going by memory now, but I think the committee expects to have the report by the end of the year. We are anxious to receive it. It may be one of those reports that the member for Hamilton West may read about during the period from 10:30 to when we get together again in this friendly fashion.

PROVINCIAL LOTTERY

Mr. S. Smith: This question was intended for the Minister of Culture and Recreation, but perhaps I could ask the Provincial Secretary for Social Development. Regarding the provincial lottery policy, the second draw is coming up in about two weeks' time. Could the minister tell us whether there is yet an outline outlining the directions planned for how the money is to be utilized, a policy which is to underline the utilization of this money? Can she give us some assurance that the money will not be thrown at medical research in such a way as actually to distort the entire structure of medical research in this province?

Hon. Mr. Davis: Only in psychiatry.

Mr. S. Smith: No, it can distort it if you just throw the money.

Hon. Mrs. Birch: In answer to the member for Hamilton West, I can just assure him that there is a great deal of consultation going on at the moment. I can also assure him that there will not be a great deal of money thrown into medical research without a great deal of thought being considered beforehand.

Mr. S. Smith: By way of supplementary, could the minister give us some indication of when we can expect an announcement of how the policy is to be implemented? Secondly, could she tell us whether the government is planning to use either the structure of the Medical Research Council or a similar Ontario structure to give guidance with regard to the awarding of various grants under this programme?

Hon. Mrs. Birch: At this time I am in no position to comment on the question posed by the hon. member, but just again I can reassure him that it is being given a great deal of attention by the people in the policy field.

Ms. Bryden: Supplementary: I'd like to ask if there is any intention to involve the Legislature in this consultation and discussion so that we may have some opportunity to consider how this money should be allocated?

Hon. Mrs. Birch: At this time I'm in no position to answer that question either.

Mr. Roy: Supplementary: Could I ask the minister why she would not follow the policy of her leader who told the House on July 15, 1976, that prior to the expenditure of any funds the members opposite certainly should have every opportunity to comment on it? Why won't she follow that policy?

Hon. Mr. Davis: Why don't you comment?

Mr. Roy: That's right. Give us an opportunity.

Hon. Mr. Davis: You have it. You had the whole budget debate.

Hon. Mrs. Birch: I don't think I denied that members opposite will not be given that opportunity.

Mr. Roy: You had better think about it.

Mr. Speaker: Order, please. We're getting a lot of supplementaries and we've been quite a few minutes now into this.

Mr. Godfrey: Supplementary: Can the minister tell us when funds will first be made available?

Hon. Mrs. Birch: I cannot.

Mr. Peterson: Supplementary: Can the minister tell this House what happened to the approximately $10 million that was Ontario's share of the Olympic lottery? What has the government done with that money?

Mr. Cunningham: The Minister without Portfolio (Mr. Henderson) has it.

Mr. Speaker: Order, please. That is not supplementary.

Mr. Peterson: That is very important, Mr. Speaker.

Mr. Speaker: It's important yes, but not at this particular moment.

Mr. Peterson: It's Christmas-time. Please be charitable, Mr. Speaker.

SALE OF APARTMENTS

Mr. Foulds: I have a question for the Minister of Consumer and Commercial Relations and would beg the attention of the Attorney General and the Minister of Housing.

Is the minister aware that Vroom Development (Central) Limited has evidently found a way to circumvent The Condominium Act, The Planning Act and The Landlord and Tenant Act by selling apartments in Waverley Park Towers in Thunder Bay, possibly forcing the tenants there either to buy or to seek other accommodation? Further, is he aware that his ministry has always known of the loophole that exists through common law in this respect and will he take action to plug that loophole?

Hon. Mr. Handleman: I don't know how many times we have to announce this: There is no loophole. You cannot sell an apartment except through The Condominium Act.

Mr. S. Smith: You can sell shares in the building.

Hon. Mr. Handleman: The person buying shares in an apartment house is not entitled to occupancy. You cannot buy a single unit except through The Condominium Act. I repeat it again: There is no loophole such as described by the hon. member. We know of people who think there is, but we have repeated several times that you cannot do it legally, and as far as we know there is no way of doing it.

Mr. Foulds: Supplementary: If that is the case, will the minister advise Vroom Development (Central) Limited, after examining the letter and the contract that they have sent out to the tenants, that the action they are taking is, in his opinion, illegal?

Hon. Mr. Handleman: For one thing, I don't know what they are proposing. We know of the scheme whereby certain apartment owners, in order to get their equity out, are saying to tenants in those apartments: "If you buy your unit, we will be glad to sell it to you." They can't do that. They can sell them shares in an apartment building or an interest in an apartment building, but owning shares in an apartment building does not give any purchaser the right to occupancy under The Landlord and Tenant Act. This has been cleared with the Attorney General. If the hon. member would like to send me the literature, we will tell them what the Act requires. We can't say it's illegal because we don't know what they're asking people to do.

Mr. Kerrio: You need a free-enterpriser over there, Jim.

Mr. Speaker: Order, please.

OHC MANAGEMENT CONTRACTS

Mrs. Campbell: My question is to the Minister of Housing: In view of the concerns which have been expressed, both publicly and privately, by tenants in Ontario Housing Corporation projects with reference to the management contracts—those which are contracts with the large developers—has the minister investigated these contracts? Is he aware of the contents and the responsibilities under them and will he table those in this House so that we may also know what the contents are?

Mr. Philip: In other words, answer the question that I asked in the previous session.

Mr. Speaker: The Minister of Housing will answer the first question, please.

Mr. Mancini: If he asked a question—

Mr. Speaker: Order, please. Order.

Mr. Eakins: He wants the credit, John.

Hon. Mr. Rhodes: He can use as much credit as he can get.

Mr. Ruston: Yes, he hasn't got much.

Hon. Mr. Rhodes: I am not familiar with all of the individual contracts. I have looked into that matter. I understand that there are some variations in the various contracts. If my memory serves me correctly, I was advised that there were going to be some changes made in the various contracts as they came up for renewal. As far as tabling them in the Legislature, I would like to take the time to see if that can be done without any legal complications involved with the companies that are managing the buildings.

Mrs. Campbell: Supplementary: In view of the answer of the minister, and in view of the fact that he has given an undertaking earlier this year to table some of these Ontario Housing documents, could I ask how much longer we have to wait for him to review the situation and see that the House has the information?

Hon. Mr. Rhodes: I think the hon. member, along with others, is aware that I had indicated I could see no problem, from my point of view, of tabling the minutes of the Ontario Housing Corporation provided we did not interfere with the rights of third-party individuals who might be involved, and that we would not jeopardize the position of the members of the board as far as law is concerned.

My legal advice at the present time is that it would not be proper to table the entire contents of the OHC minutes as was requested by motion on the books from the hon. member for Wilson Heights; this would create legal problems and implications for the members of the board and possibly for the ministry itself as it involves—

Mr. Sargent: And the government would fall too.

Hon. Mr. Rhodes: I'm sorry, Mr. Speaker; I didn't hear the comment that was made.

Mr. Speaker: Will the hon. minister ignore the interjections?

Hon. Mr. Rhodes: Mr. Speaker, I will listen to the interjection and ignore the source.

If I can clear the problem as it relates to the legal implications for third parties involved, I will have no problem at all with tabling that material in the Legislature. It won't bring the government down—if I have to go down anywhere, I'll find the member for Grey-Bruce there.

Mr. S. Smith: Did you have a cocktail with lunch today?

Hon. Mr. Rhodes: No, I don't drink.

Mr. Speaker: The hon. Minister for Education has the answer to a question asked previously which he may give now.

ENGLISH FOR NEW CANADIANS

Hon. Mr. Wells: Mr. Speaker, a short time ago the member for Oakwood (Mr. Grande) raised a question about the English as a second language programme at Heydon Park Secondary School, Toronto.

In responding to that question I pointed out that although local education authorities have a high degree of local autonomy in this area of decision-making, I would be pleased to look into the matter. Discussions with the principal, Mr. Edgar, indicated that although only one teacher was assigned to the ESL programme in September, two teachers have been involved on a full-time basis since October.

The additional teacher was added to the programme because more students who needed English as a second language programmes were identified during the month of September. Since October, each student in the English as a second language programme has been receiving 15 periods a week of 40-minute duration. I understand at the present time the pupil-teacher ratio is about 13 to one in each of four classes.

CLOSURE OF TEXTILE PLANTS

Mr. Davidson: A question to the Minister of Labour: Given the fact that the following textile companies have closed down since November, 1975—Malibu Fabrics of Smith's Falls; Burford Textiles of Burford; Campbellford Cloth of Campbellford; Riverside Yarns of Cambridge; Armstrong Cork of Peterborough; and Versatile Knitting of Cornwall—

Mr. Riddell: Textral of Goderich.

Mr. Davidson: —can the minister inform the members of this House what, if any, retraining and upgrading programmes have been implemented to assist these people in seeking other types of employment in these areas?

Mr. Samis: Good question.

Hon. B. Stephenson: Although I am aware of the development of Manpower adjustment committees in several of those locations, I am not sure if they have been established in all of them. This service is offered by the Ministry of Labour whenever such a shutdown occurs and has been reasonably successful in many areas.

The reason for the shutdown of many of these plants, of course, has been the competition which imported fabrics have supplied for Canadian-made products. Perhaps it may not be unrealistic to hope that some of them may reopen as a result of the action taken by the federal government in the past two weeks.

The actual retraining programmes, of course, as the hon. member is aware, are under the jurisdiction primarily of the Ministry of Colleges and Universities with which we have excellent and continuous communication.

Mr. Davidson: Taking into account the sector analysis put forward by the Ministry of Industry and Tourism which indicates that mobility is low and many of these workers would find it difficult to obtain alternative employment opportunities, and considering that many of these plants were located in small areas where the employment opportunity is limited at any rate, does the minister not think that rather than wait for someone to come and approach her to implement a programme, the programme should be implemented by her ministry immediately?

Hon. B. Stephenson: The service is offered by the Ministry of Labour as soon as we hear of an impending close-down of any plant. We do not wait for the individuals responsible to contact us. We make the contact.

PURINA PLANT

Mr. O'Neil: Mr. Speaker, I have a question of the Minister of Industry and Tourism.

With regard to a new Purina plant for the town of Trenton, can the minister please tell me if he is aware that in the late spring of this year the Minister of Community and Social Services (Mr. Taylor) announced a new agricultural industry to be built in the Trenton area? By the way, I should mention that it was a little hard to understand why the Premier didn't call me personally to let me announce this but I suppose—

Hon. Mr. Davis: I did; you were out. I tried three times. I may have had the wrong number.

[3:30]

Mr. O'Neil: You may have.

However, since this release originally came from the Ministry of Agriculture and Food and concerned the building of a $3 million plant by Purina, can the minister tell me whether Purina is proceeding with plans for construction?

Hon. Mr. Bennett: Mr. Speaker, that question should be directed to the Minister of Agriculture and Food.

Mr. O'Neil: I wonder if I could redirect it to the minister, please?

Mr. Speaker: Redirect it, yes.

Hon. W. Newman: I believe I caught part of it. The member is talking about the Purina plant. They had considerable time under the ARDA programme getting federal approval for their part of the funding. We did get their portion of the funding approved. Our portion was approved. It was a corporate decision, I believe, at this point in time not to proceed at this point in time. It doesn't mean the project is dead, but this is a corporate decision of Purina themselves.

Mr. O'Neil: As a supplementary then, since both Purina and the officials of the town of Trenton had asked that the details of this announcement be kept confidential until all plans were finalized, can the minister tell me whether the premature announcement by someone other than the company or its elected member resulted or may have resulted in this cancellation?

Hon. W. Newman: Mr. Speaker, you know that is just a—well, no, I'll answer the question.

Interjections.

Mr. Speaker: Order.

Hon. W. Newman: We are expending public funds under the ARDA programme. We are putting provincial dollars in and federal dollars in, and once that has been approved, and it was asked for by the company, then it is public information. We don't hide our funds anywhere. We want people to know about them. This has nothing to do at all with this corporate decision.

Mr. O'Neil: Supplementary: In the announcement of the new industry it was said by the Minister of Industry and Tourism that any announcements were kept confidential until such time as the company wanted these announcements made, and I think there should be some clarification on this matter.

Mr. Speaker: Is there a question? Order, please. No comments are necessary.

Hon. W. Newman: When there is public money involved, when an application is made to ARDA for funding, once that has been approved that is public information and every company knows that.

Interjections.

Mr. Speaker: Order, please, the side conversations are interfering with the progress of the question period.

HAWKESBURY WATER POLLUTION

Mr. Samis: To the Minister of the Environment: Notwithstanding the amazing ability of the Ottawa River to absorb almost anything, can he explain to the House why charges have not been laid against the CIP mill in Hawkesbury in view of its deplorable record of discharging dissolved waste which is worse than any other pulp and paper mill in Ontario and four times that of Reed?

Hon. Mr. Kerr: The mill in Hawkesbury does pose a problem. It is not the worst in the province really. There are others.

An hon. member: Tell us who is the worst.

Mr. Speaker: Order, please. The hon. minister is answering the question.

Hon. Mr. Kerr: Again, as the hon. member says, the assimilative capacity of a receiving stream is taken into some consideration, particularly the Ottawa River, which as the hon. member knows, is an interprovincial river—

Mr. Breithaupt: But the polluters will pay.

Hon. Mr. Kerr: —soon to be international, who knows?

Mr. Conway: Do you know whether it is wet or not?

Mr. S. Smith: It's all right if it goes to Quebec.

Mr. Speaker: Order, please. Can we get on with the answer now?

Hon. Mr. Kerr: That plant is one of the plants that are under a control order, or a control order is being negotiated. The city of Hawkesbury, of course, itself is the problem, and hopefully both of those matters will be looked after during the next fiscal year.

Mr. Samis: Supplementary: In view of the fact that the record of this plant in terms of dissolved waste has worsened, not improved, since 1970, and in view of the fact that two other mills within 50 miles have improved their record very, very noticeably—namely the Eddy plant in Ottawa-Hull and the Domtar plant in Cornwall—what assurance can the minister give the people in this area that his government will do something to stop the deterioration of the water conditions because of this mill?

Hon. Mr. Kerr: I might say that Hawkesbury generally, period, is the last remaining problem area for our government on the Ottawa River. The city will undertake sewage treatment works this coming year—there are funds in the budget for that—and our concern about the CIP mill will also be looked after this coming year.

Mr. Conway: The minister mentioned that a control order was being negotiated; am I and the hon. members to assume that it is a normal practice to negotiate control orders?

Mr. McClellan: That's exactly what he said.

Hon. Mr. Kerr: What we do is discuss with the company the requirements of our ministry and then set down, under an order, certain requirements to be done over a period of time, usually a five-year period. During that five-year period certain deadlines are established in the control order. We attempt to get the approval of the company—

Mr. R. S. Smith: That order has been there since 1965.

Mr. Riddell: Remember the words of the Hon. George Kerr when he said the polluters will pay.

Hon. Mr. Kerr: Can I answer the question? I attempt to get approvals during that five-year period—the consent of the company. If the company doesn't agree with our directions and our timetable and scheduling then the order is issued in any event.

Mr. Peterson: A supplementary—

Mr. Speaker: No, that was a final supplementary.

Mr. Peterson: There was only one supplementary.

Mr. Speaker: It was the final supplementary.

APPOINTMENT TO ENVIRONMENTAL APPEAL BOARD

Mr. Cunningham: My question is to the Minister of the Environment. Would the minister confirm whether or not he has appointed Mr. David Coons of Burlington to the Environmental Appeal Board?

Hon. Mr. Kerr: That is public knowledge. That's gazetted in this Legislature and the answer is yes.

Mr. Cunningham: By way of supplementary, if I may, was Mr. Coons your campaign manager in the last two elections?

Hon. Mr. Kerr: Yes, right.

Hon. Mr. Bennett: That qualifies him to have good judgement.

Mr. S. Smith: He has no experience, absolutely none.

MERCURY POLLUTION IN FISH

Mr. Wildman: I have a question of the Minister of the Environment if he has recovered from the last one. In view of the fact that the ministry has announced that the mercury level in pickerel in Batchawana Bay is two to three times the levels acceptable anywhere in the world, can he inform this House what he is doing to determine: First, the levels among other species of fish in the bay, that is, lake trout and others, and in other areas of eastern Lake Superior; second, the source of the mercury pollution; third, the effect on area people who MNR is encouraging to do sports fishing in Batchawana Bay? Can he tell us what he is doing to find out the source and what he is doing about it?

Hon. Mr. Kerr: My information is that the hon. member's analysis of test results is some months old and this is somewwhat the same condition that exists in a number of lakes in that area.

The walleye, I believe, is the one source that is of concern to us, mainly because of the size of some of the walleye which have been tested. The other fish have also been tested. I'm surprised the hon. member has not had results from certain other species as well. My information is that the results are available for those species.

We are having problems in locating some of the source. We are convinced there is a natural source of mercury in that area. There doesn't seem to be any plant which is directly flowing into that lake. There doesn't seem to be any mine which may be a source of mercury. It's possible that emissions from plants within a 100 mile radius may be responsible but there must be a natural source which is prevalent in other parts of the province which is now contaminating fish.

Mr. Wildman: A supplementary: Is the minister not aware that an official of his ministry stated this morning in Sault Ste. Marie the test results on pickerel and went on to make an explanation on the radio, publicly? Is he also aware that the Ministry of Natural Resources is in the process of trying to get an agreement from local cottage owners for a boat launching site there to make it possible for there to be more sport fishing at Batchawana Bay?

Hon. Mr. Kerr: I haven't heard the radio programme the hon. member refers to but I'm sure that what that particular official said would indicate the reason there are high readings in walleye. I'm not aware of the Ministry of Natural Resources building a boat ramp there. I'm not aware of that. I am certain if there are high levels of mercury readings in that lake that warnings have been posted.

ASSISTANCE FOR HOCKEY TEAMS

Mr. McKessock: I have a question for the Minister of Culture and Recreation. In view of the fact that some municipalities this winter are without arenas and have to go to

neighbouring towns to play their hockey games, and in view of the fact that crowds away from home aren't as good and their gate receipts are down and they are having trouble carrying on, would the minister make available funds through Wintario to help pay for their ice time and referees away from home?

Hon. Mr. Welch: I know something about the problems that are being experienced in some of these municipalities, but if one were to look at the guidelines or the criteria for Wintario it's not for operating expenses. If, however, there are some competitions or some type of an activity to which they have been invited—various teams have been invited to invitational matches—it may be that Wintario criteria could be made to apply.

However, so that there is no misunderstanding with respect to my answer, the rental of ice time and the normal expenses incidental with respect to league operations are not eligible for Wintario assistance.

Mr. McKessock: Supplementary: I was well aware that this didn't fall under the present regulations but under the special circumstances of this year with these arenas not available in their home towns, could consideration not be given to make an adjustment?

Mr. Speaker: That's a repeat of the first question, I believe. Is there any further elaboration?

Mr. Reid: Will the minister reconsider his policy of not allowing municipalities to raise the 25 per cent of the extra cost for arenas through the selling of debentures or through municipal taxes rather than their having to raise them voluntarily in the community?

Mr. Speaker: That really had nothing to do with the intent of the original question.

The oral question period has expired.

Petitions.

Presenting reports.

REPORTS

Hon. Mr. Bennett tabled the annual report of the Ontario Research Foundation for the year ended December 1, 1975.

Mr. Speaker: Does the hon. member for Essex South have a point of order?

Mr. Mancini: I have a petition to present.

Mr. Speaker: I am sorry. We will revert to petitions then. I didn't notice the hon. member standing up.

PETITION

Mr. Mancini: I beg leave to introduce a petition from the great riding of Essex South. The petition numbers 3,047 names and is also signed by myself. It reads: "We, the citizens of Harrow, Colchester South and Colchester North oppose the 30 per cent cutback to the Gerald Smith ambulance service by the Ministry of Health."

Mr. Speaker: May I just elaborate? I didn't see the hon. member standing up because the lights were in my eyes. I want to make that clear.

REPORTS
(continued)

Hon. Mrs. Birch presented the annual report of the Ontario Status of Women Council.

Hon. Mrs. Birch: The report covers the council's activities and recommendations from October, 1974, to April, 1976. The effective leadership and commitment of Laura Sabia, past chairman of the council, and the dedicated efforts on behalf of women in our province by all of the council members are reflected in this very fine report.

I am sure also all members of the Legislature would want to join me in wishing the newly appointed chairman, Lynne Gordon, and the present council much success in their future endeavours and in welcoming Mr. Andrew Paton of the council, who is with us here this afternoon.

[3:45]

Hon. W. Newman presented the 10th annual report of the Crop Insurance Commission of Ontario and the annual report of the Agricultural Research Institute of Ontario.

Hon. Mrs. Birch presented the 1975 report of the Interministerial Committee on Residential Care.

Hon. Mrs. Birch: The committee was established to co-ordinate the relevant data concerning all forms of residential care for the elderly. As the work progressed it became obvious that there was a need to look into the financing and operating policies of a range of facilities that went well beyond the care of the aged. The report, the result of an expanded mandate, has served as a working document for a number of ministries and for the Council on Troubled Children and Youth. Copies will be available on request from the Ministry of Community and Social Services.

Mr. Germa from the standing public accounts committee presented the committee's report which was read as follows:

Your committee recommends: That on the prorogation of the House the standing public accounts committee be continued with authority to sit during the interval between sessions to consider those items of business outstanding in the committee, namely:

1. Ronto Development Corporation tax remission;

2. Minaki Lodge expenditures;

3. Examination of OHIP payments to licensed practitioners;

4. Any other matters the committee deems urgent.

And to compel the attendance before the said standing committee of such persons and the production of such papers and things as the committee may deem necessary for any of its proceedings and deliberations for which the Honourable the Speaker may issue his warrant or warrants.

Furthermore, that the committee may request such coverage of its proceedings by Hansard and the printing of such papers as the committee deems appropriate.

The committee will meet at the call of the Chair or on a majority of committee members.

Hon. Mr. Welch: Mr. Speaker, as we speak to this particular report, I think we should draw attention to the fact that this procedure has not been followed too frequently. In fact, I suppose if there is a precedent for it, there may be only one or two. Appreciating the fact that this committee has some unfinished work, which is set out in points one, two and three of the motion, it has been agreed in consultation with the official opposition that we would delete point four in order to make it quite clear that the committee as a standing committee is being authorized to meet after prorogration to deal with those three items; In other words, Ronto Development, Minaki and the examination of OHIP. Therefore, I would move, seconded by Mr. Deans, that point four be deleted.

I would also draw attention to the fact that later on today we will be talking in terms of the Hansard reporting of committees. It may be, in fact, that we should make sure that the second last paragraph dealing with Hansard is specific in that if Hansard coverage is required, it would be for recording purposes only; there would be no transcription of the results of the recording, but the recording would be available. I would like to suggest that amendment.

With those two changes, the deletion of number four with respect to what the committees will do and the understanding with respect to Hansard, we are prepared to support that.

Mr. Speaker: May I have your amendment in writing, please? In the meantime, I think you have all heard the amendment to the motion; that is, that point 4, I believe, is meant to be deleted. Was there to be another part to the amendment? That was the only part of the amendment? All right. I think we understand that. Do we have any further comments?

Mr. Deans: Since there seems to be a momentary delay, I just want to say that it seemed to us in reviewing the request of the public accounts committee that it would not be a good precedent to give carte blanche to any committee to conduct hearings in whatever area it so desired. The general rule which we believe should be applicable in all circumstances is that committees should do work as delegated to them by the Legislature or work for which approval has been given by the Legislature to be undertaken. The public accounts committee is doing such fine work at the moment that it seemed that it should be given the opportunity to continue with that work and to reach a point where we might get the answers to many unanswered questions.

Mr. Breithaupt: With respect to this motion before the House, we have reviewed, with the members who have served on this committee, the proposal made by the government House leader and we are prepared to accept those terms of reference.

I agree with the House leader for the official opposition that it is perhaps best to have specific items referred to a committee, if the committee is to continue, just as specific items are referred to select committees as those committees are developing their work pursuant to the responsibilities given to them by the House. I think that if the committee is able to deal satisfactorily with these three items over the period before a new session begins it will, indeed, be accomplishing a substantial amount of work.

We will support the deletion of item four and we agree with the approach taken with respect to the matter of Hansard for the committee.

Mr. Williams: In speaking to this matter, I do have concerns and I would ask the House leader to consider that in giving notice of these meetings a reasonable period of time

be provided. There's no provision in the motion, as I understand it.

I spoke on a matter of privilege earlier this afternoon, pointing out that there's been two special meetings of this committee called to which no members of the Conservative Party were invited. I spoke of the other special meeting called yesterday for which 15 minutes' notice was given. As a result of that I was not able to attend either of those meetings and I think other members were in the same situation.

I think if there are going to be ongoing meetings of a special nature of the committee, in all fairness to all members of the committee, there should be appropriate lead time given as notice of these meetings, whether they are called by the chairman or a majority of the members of the committee.

I cannot accept that the committee would function well if we're not given sufficient time to make arrangements to attend these meetings when they might be called. I'm wondering therefore, if consideration could be given to this situation.

Mr. Deans: You should be here doing your job.

Mr. Williams: I can't be there when I'm not called to a meeting, when I have no notice of a meeting.

Mr. Speaker: Order, please. We're speaking to this amendment.

Mr. Williams: Frankly, what angers me is that no notice was even given to members, in some instances, of these special meetings. I think some arrangement has to be made to correct that deficiency which exists in the present procedures and I think it's a reasonable request to have considered.

Mr. Speaker: I think the hon. member is discussing something in the past. On this particular motion, I'm sure the hon. member will agree that he'll be getting notice of whatever meeting there is called.

We have the motion written here; perhaps I should place it so we'll know what it's about:

Hon. Mr. Welch moves that the motion, as presented by Mr. Germa, be amended by deleting item four of those items of business outstanding in the committee, and further that any Hansard coverage be by way of recording only, without transcribing.

Motion, as amended, agreed to.

POINTS OF PRIVILEGE

Mr. Lewis: Mr. Speaker, I would like to rise on a point of privilege, if I may beg the Chair's indulgence. I think the Chair will understand because it's a trifle difficult.

Before the orders of the day today, a number of members of the Legislature, cabinet ministers and members of opposition parties, rose to speak to the question of the publication in the Toronto Globe and Mail and other subsequent journals and on the electronic media, of information which was given to the public accounts committee by the OHIP staff. I shared the disappointment and regret expressed by the Attorney General and other members of the House that it could have happened. I could barely believe it or credit it at the time.

I though that, as always, the Minister of Health put it with simplicity and candour, that these things do actual and potential damage to the system and for that I am very sorry.

Mr. Speaker, I regret to say that I learned within the last hour or 1½ hours that it was a member, a colleague in my caucus, who was responsible for making the material accessible to the media, my colleague from High Park-Swansea (Mr. Ziemba). I have told my colleague of my deep disappointment at the act, at the way it can compromise colleagues, at the way it can jeopardize the public accounts committee, and at the way in which it can reinforce a cynical view of politics.

I have asked him, and he has of course agreed, to resign from the public accounts committee. I think that he genuinely understands the error in judgement which was made and is profoundly unhappy about it. For the moment, I have no more to say than that. I hope the House isn't in as punitive a mood as some of the interjections may suggest. I think my colleague wants to say something to the House and I would ask you to allow him to do it, sir.

Mr. Speaker: I will hear the hon. member.

Mr. Ziemba: Mr. Speaker, as my leader has said, the material released to the press was made accessible by me. At the time I did it wholly without malice. I was not at the committee meeting yesterday and simply did not realize how serious was the motion and promise of confidentiality. Sometimes, I concede, I handle politics badly. I have a great respect for the process and the last

thing in the world I wish to do is bring disrepute upon politicians or political parties.

I offer my regrets and my profound apologies to the Legislature, and beyond. I guess this is the second time I have apologized to this House, Mr. Speaker. I am bound and determined that it will never happen again.

Mr. Speaker: Thank you very much. I think no further comment is necessary.

Motions.

Hon. Mr. Welch moved that Mr. Hodgson be substituted for Mr. Smith, Simcoe East, on the select committee on company law, but that upon the receipt of a written application by Mr. Smith, Simcoe East, to the Clerk of the House, Mr. Smith be substituted for Mr. Hodgson.

Motion agreed to.

Hon. Mr. Welch moved that Mr. Drea be substituted for Mr. Hodgson on the standing public accounts committee.

Motion agreed to.

Mr. Speaker: Introduction of bills.

[4:00]

CHILDREN'S LAW REFORM ACT

Hon. Mr. McMurtry moved first reading of Bill 191, An Act to Reform the Law respecting the Status of Children.

Motion agreed to.

EDUCATION AMENDMENT ACT

Mr. Stong moved first reading of Bill 192, An Act to amend The Education Act 1974.

Motion agreed to.

Mr. Stong: This bill defines compulsory school age and special education and guarantees every child of compulsory school age a right to an education as opposed to a right to attend school. It requires every school board in the province of Ontario to establish special education programmes particularly for those children suffering from learning disabilities.

Mr. Speaker: Any further bills? The hon. member for Ottawa-Centre.

Mr. Cassidy: Thank you, Mr. Speaker. Incidentally that is the second bill on that subject.

RESIDENTIAL PREMISES RENT REVIEW AMENDMENT ACT

Mr. Cassidy moved first reading of Bill 193, An Act to amend The Residential Premises Rent Review Act 1975, Second Session.

Motion agreed to.

Mr. Cassidy: The purpose of this bill is to extend rent review in Ontario beyond the expiry date of July 31, 1977, now set out in the Legislation. The process by which rent review has worked since the beginning of 1976 is unchanged in these amendments. We are introducing it at this time because of our total frustration at the continued indecision and procrastination of the cabinet over this rent review issue.

Mr. Speaker: Before the orders of the day, I'm sure all the members are aware that this is expected to be the last day of sitting and as is customary—

Interjections.

Mr. Speaker: —we read into the record the names of the young ladies and gentlemen, our legislative pages, who have been serving us well and safely for the last seven weeks. I shall do that now.

Paul Atkins, Weston; Michael Bednarz, Willowdale; Douglas Cameron, Oakville; Michael Darby, Thornhill; Henry deRuiter, Brampton; Cathy Farrow, Toronto; Sue Fleming, Toronto; Melanie Forster, Mississauga; Graham Freeman, Toronto; Marti Gregory, Mississauga; Lars Hansen, Maple; Michael McCallen, Rexdale; Missy Newman, Ashburn; Valerie O'Neil, Thunder Bay; Joanna Pace, North Bay; Janine Roth, Whitby; Wendi Scholfield, Cobourg; Ben von Schwerin, Scarborough; Alastair Westgarth, Bowmanville; Donna-Lee Zmenak, Grimsby.

As is customary, we shall send them a copy of the Hansard so they will know their names are down in the history of this province. Thank you.

ANSWERS TO WRITTEN QUESTIONS

Hon. Mr. Welch: Before the orders of the day, Mr. Speaker, I wish to table the answers to questions 67, 96, 179 and 194 standing on the notice paper. In addition, questions 143, 161, 162, 163, 164, 167, 172, 174, 175, 180, 181, 183, 184, 185, 186, 187, 188, 189 and 198 standing on the notice paper.

(See Appendix A)

Mr. Angus: You forgot Merry Christmas.

Hon. Mr. Welch: Before calling the first order, we had a somewhat flexible programme planned for this afternoon so that if by chance we didn't finish everything except the windup by 6 o'clock we might invade the supper hour to the extent we needed that extra time. If we have general agreement with respect to that, people can plan their evening meal around that, rotating possibly.

Mr. Speaker: Do we have this agreement?

Agreed.

Orders of the day.

FUNERAL SERVICES ACT
(continued)

House in committee on Bill 171, The Funeral Services Act.

On section 5:

Mr. Wiseman: When we left off last night, we were at section 5(4). I wonder if we could just back up a little, in keeping with the amendment we accepted from the member for Durham East to delete the words in section 5(1) "or directing the providing of." So that the bill will have continuity, I would move an amendment.

Mr. Chairman: Mr. Wiseman moved that section 5(3) of the bill be amended by deleting the words "or directing the providing of" in the second and the fifth lines.

Mr. Wiseman: This will go along with the amendment that we accepted earlier.

Mr. Moffatt: I'd like to urge that that take place. The parliamentary assistant did indeed give me copies of those amendments and asked that I move them the last day, but during the heat of debate and discussion around this bill they were omitted. I think we should proceed as he asks.

Mr. Chairman: Do we have unanimous consent to revert to those sections in the interests of uniformity?

Agreed.

Amendment agreed to.

Mr. Moffatt: Before the Chair now is an amendment to section 5(4). After consultation with the member for Waterloo North and with the parliamentary assistant at the close of the House last evening, we decided that that amendment might be better withdrawn because it would appear that if it were passed, it might work some undue hardship in some remote rural areas. With the Chair's permission, I would like to withdraw that amendment.

Mr. Chairman: Do we have the concurrence of the committee to do that?

Agreed.

Sections 6 to 9, inclusive, agreed to.

On section 10:

Mr. Chairman: Mr. Bounsall moves that a new subsection 5 be added to section 10 of the bill as follows:

"(5) Every person at the time of the purchase of services shall be informed in writing of the existence of the complaints committee and the procedure to file a complaint."

Mr. Bounsall: I'll speak very briefly to it as it's self-explanatory. Of the four committees which are formed under the Act, the executive, licensing, complaints and discipline committees, this is the one that affects the public. If we have a complaints committee, hopefully it will not need to be in operation that much. But it strikes me as being reasonable that the public of Ontario should easily find out about its existence, so they could use it when in their minds the necessity arises and that the simple procedure of how to file a complaint be made known at the same time. I have in mind simply a small card available when the purchaser has completed—it's probably best upon completion—the arrangements for the funeral service. They can simply be handed a card by the funeral establishment director which contains the information that there is a complaints committee should they feel the wish or the need to file a complaint. It can be operated by simply writing to the following person at the following address.

That's what I had in mind with this amendment.

Mr. Chairman: Any other comment on the amendment?

Mr. Good: I feel badly that this type of amendment is being brought to this bill. It appears that the whole emphasis of the party to the right is that you can't trust anyone in the province of Ontario and you've got to develop a spirit of confrontation between customer and service, no matter where it is. I don't think this is necessary.

The present Act requires, and I'm sure the new Act will require, that the licence of the person is hung in a prominent place in every establisment. The licence of the establishment will be there. I'm sure under this Act the

board can establish a code of ethics. The code of ethics will be displayed in a prominent place.

This idea of walking into any establishment and the first thing that happens is the proprietor has to give you a card which would say, "You can complain against me by doing this and that" —to me, that is not the spirit of any group in the province of Ontario doing business with the public.

I've given many reasons previously on why I feel the present Act will work very well as it is written. I would have to say that I couldn't support this type of amendment.

Mr. Chairman: Any other comments?

Mr. Wiseman: Mr. Chairman, I'd only say that we can't support this bill for a lot of the reasons the—

Hon. B. Stephenson: The amendment.

Mr. Wiseman: —the amendment, I'm sorry —for a lot of the reasons the member for Waterloo North has mentioned. I wanted to say that we don't ask a doctor, a lawyer, or anyone like that, when we go to them, to present a little card saying that if they give us false information we can sue. They don't give us the bar association or the Ontario Medical Association card. I don't think we should start this.

Mr. Ruston: How about the plumber and the electrician?

Mr. Wiseman: It's an honour system and the people should know where they can make their complaints if they have any.

Mr. Foulds: Very briefly, I hate to refer to personal experience, but I had a close friend pass away over the weekend. I must say to the member for Waterloo North that you do not notice all those certificates, signs, et cetera, in the funeral home on such an occasion. A discreetly done notice, as outlined by my colleague from Windsor, I think, would be appreciated although very seldom used.

Mr. Chairman: Ready for the question?

All those in favour of Mr. Bounsall's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the "nays" have it.

I declare the amendment lost.

Vote stacked.

Sections 11 to 14, inclusive, agreed to.

On section 15:

Mr. Bounsall: Mr. Chairman, I have one each on section 15(2) and 15(3). I have two short amendments to each of these sections. I'll place them separately.

Mr. Chairman: Mr. Bounsall moves that section 15(2) be amended by adding after "seven members" in line two the following: "the majority of whom shall be nominated by the Consumers' Association of Canada".

Mr. Drea: It's the same one.

Mr. Bounsall: It's not the same one. No, it isn't.

Mr. Chairman: I would have to rule that the question has been previously decided and you can't introduce it under this section.

[4:15]

Mr. Bounsall: The amendment placed previously referring to consumer representation was to do with the board of Funeral Services and this is dealing with a completely different board or body connected with this Act, which is the review board. It's completely different from the board.

Mr. Chairman: All right; it's the Chair's error.

Mr. Bounsall: Very briefly, the amendment is self-explanatory. It is the review board we are discussing at this point. It's a board empowered to hear and review other decisions carried out in this Act. The members can review the complaints and the disposition of those complaints and arrive at decisions.

This review board is composed of persons who are not licensed under this Act. The entire composition is of persons from outside the profession, outside anyone associated with the profession or designated under this Act, and the numbers of that review board can vary between three and seven.

If we are going to ensure that there is valid consumer representation—that is, consumer representation in the sense of a formalized group of consumers brought together for the purpose of being a watchdog on consumer affairs—this is one point where a majority of those persons appointed could and should be from that particular segment of our society, which keeps a watch upon and has great interest in the protection of the consumer in our society.

Mr. Chairman: Are there any other comments?

Mr. Ruston: I don't think this amendment is necessary. This review board is made up of people appointed by the Lieutenant Governor in Council and they are not to be

licensed undertakers or funeral directors. These are people, it seems to me, who are representing the public.

I suppose, with the appointment of people through the Lieutenant Governor in Council, some of us in the opposition seem to think that maybe the government does appoint more of its friends to these boards. On the other hand, the Tories are the governing party and I suppose if we were in the same position we would feel that we should have the power to do that. I think these people are public representatives and I don't think this amendment should be accepted as far as I am concerned.

Mr. B. Newman: There is no need to include members of the Consumers' Association specifically because, as you can see, none of the members appointed to the board by the Lieutenant Governor in Council is going to be a licensed funeral director. Subsection 3 of the bill clarifies that quite simply for us so I see no need for the suggestion of the member for Windsor-Sandwich.

Mr. Wiseman: One comment, Mr. Chairman. I want to say we can't accept this amendment. I feel that all groups should have a chance to recommend people they might want to see on that board and if this group wants to recommend people I would suggest it sends the names along. I feel, as do some of the other members who have spoken, that it should be representative of everyone. Any group which wants to recommend them, as I said, is perfectly free to do so.

Mr. Chairman: All those in favour of Mr. Bounsall's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion, the motion is lost.

Vote stacked.

Mr. Chairman: The hon. member indicated he had an amendment under subsection 3 of the same section.

Mr. Bounsall moves that section 15, subsection 3, be deleted and the following substituted therefor: "No person who has been licensed under this Act shall be a member of the review board."

Mr. Bounsall: I commend this amendment quite highly to the parliamentary assistant and I think he may well agree with this one or be sympathetic.

The present Act in 15(3) contains the words in the amendment which I have presented. It contains, as you read through it, "No person who has been licensed under this Act, shall be a member of the review board."

In addition, it disqualifies many and various other persons from being members of this review board for which there is no rationale in my mind. It arises simply because in the drafting of this particular Act —as has happened in many cases in this Act— they have simply followed the wording in The Health Disciplines Act.

That Act was set up to give self-governing bodies to doctors, dentists, pharmacists and so on in our society and because they are all so medically involved with each other, or can be, it was indicated that a pharmacist or a dentist should not be able to sit on a committee dealing with doctors; or doctors on committees dealing with nurses. To me, that was relatively reasonable.

With a group of people so completely different from doctors, nurses and pharmacists, there seems to me no reason why a person licensed under The Health Disciplines Act— if I read this bill and understand it correctly —that is, a doctor, a nurse, a dentist or a pharmacist, should not be appointed to serve on this review committee, particularly as the parliamentary assistant has indicated that he would be pleased to receive nominations from consumer groups and memorial societies in this province.

Some of the very active members of memorial societies, for example, are doctors and nurses. I would commend to him that he accept this amendment which mainly allows someone governed by one of those other health disciplines—i.e. dentists and doctors, as I explained before—would be able to sit or be nominated by these consumer groups for a position on this review board.

I've taken out the first part as well. If the parliamentary assistant can explain to me why a public servant or a Crown employee should not be able to sit as a member of the consuming public or be nominated by one of the consumer groups from which he is pleased to accept nominations to this review board, I am willing to be convinced.

On the surface of things, again, it appears quite reasonable to me that one of our 50,000 public servants or Crown employees in the province should be allowed to sit on this review board should that be the choice. I would not like to see their rights further circumscribed by this particular Act.

If you become an employee of the province of Ontario, one of the things you can't

do, no matter what it is you're doing or what community you're doing it in, would be to be appointed to this particular review board. It might be of particular interest and appropriate for that particular Crown employee or public servant to be so appointed because of his or her background, their interest or expertise.

Mr. Good: This amendment would make the section less restrictive than it now is and would open the representation on the funeral services review committee to persons who are now excluded. I think there is good reason that members of the public service and members in some of the other health disciplines should be excluded from this board.

This is an appeal board to which the public can appeal any decision of the complaints committee or to which a funeral director, against whom a complaint has been laid, can appeal if he is not satisfied with the findings of the complaint committee. In my view this body should be completely impartial and in no way be connected with any profession or level of government that could jeopardize or prejudice the position of the complainant or the funeral director.

Let me tell you what would happen if members of the public service were allowed to sit on this particular committee. The funeral directors are very much tied up with The Vital Statistics Act as to how they register deaths, how they keep information which is confidential. There are large penalties for giving out information—even imprisonment up to six months can apply to a funeral director who gives out information to unauthorized persons under The Vital Statistics Act. To me it would not be right if a civil servant could sit on that appeal board to judge this funeral director who is not satisfied with the handlings of the complaint committee.

The Coroners Act and The Public Health Act are also Acts with which the funeral director is in contact on a day to day basis. Complaints or actions under those Acts could well affect a funeral director and a complaint could be brought against him. It would be wrong, in my view, to have a doctor sitting on that review committee, if the complaint against the funeral director had anything to do with an area that might come close to being under The Coroners Act or The Vital Statistics Act.

I think it's for good purposes that this particular section is written as it is in the Act and I think people sitting on that appeal board must be completely impartial and have no connection with any of the day to day operations in which a funeral director finds himself. So for that reason, I would support leaving the section as it now reads and not accept the amendment.

Mr. Wiseman: I would say that we can't accept this amendment. I think section 15(3) of the bill does a better job than the amendment of the hon. member across the way. I think what we have been talking about the last day or two is to keep this board of lay people free of someone who might have some biases. I think the way we have it worded here we have done just that, so we can't go along with this amendment.

Mr. Chairman: Any other discussion on the amendment? Ready for the question?

All those in favour of Mr. Bounsall's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the "nays" have it.

Vote stacked.

Sections 16 to 23, inclusive, agreed to.

On section 24:

Mr. Chairman: Mr. Wiseman moves that section 24(3) of the bill be deleted and the following substituted therefor: "The registrar shall not issue a funeral services establishment licence to a corporation unless (a) each one of a majority of the directors of the corporation is a Canadian citizen or a resident of Ontario; and (b) at least one of the directors of the corporation is a funeral director."

Mr. Good: We agree with this amendment, Mr. Chairman. I spoke on this on second reading and we are pleased to see it in the bill.

Mr. Chairman: Ready for the question?

Shall the motion carry?

Motion agreed to.

Section 24 agreed to.

Sections 25 to 32, inclusive, agreed to.

On section 33:

Mr. Chairman: Mr. Bounsall moves that section 33(1)(q) be amended by removing the words "prohibiting or" in lines one and two and adding at the end the following: "and requiring funeral services establishments to display prominently and make available to all purchasers the itemized prices of all services, facilities, equipment and merchandise."

[4:30]

Mr. Bounsall: The first of my amendments certainly indicated that I have confidence that the board, which will be making these regulations, will be able to govern the advertising of funeral services and funeral supplies in a satisfactory way. But this clause indicates that there would be a prohibition, and it strikes me as coming down a little too strongly that they might be able to do the whole thing, to prohibit advertising. By removing that, it indicates they may govern the advertising but it removes from them any thought of prohibiting advertising entirely.

Where there is advertising of funeral services and supplies, I think it is to be commended and to be encouraged. For example, I have some advertisements here from British Columbia, where advertising is allowed, and I think they are quite informative to the public and in quite good taste. For example, I have here an advertisement from S. Bowell and Sons, which advertises five different plans and gives the prices of those plans. I certainly wouldn't want to see any prohibition on this kind of advertising. Plan A talks about the contemporary or traditional service, which is worth $397, and the ad indicates what is granted for that. Plan B is simply for a memorial service, and the ad tells what is provided. Plan C, what the company calls minimum service, has a price of $100 and the ad simply states what is provided totally for that service. Plan D, this company indicates, is a prearrangement service; it is simply encouraging, under plan D, the very worthwhile endeavour that many funeral directors encourage, and that is the prearranging of your funeral or your memorial service.

Another ad, from Chapel Hill Memorial Home Incorporated in the state of New York, states that they offer four alternatives; it indicates what is provided in those alternatives and the price for those. One is "immediate cremation," with a description of what that involves and what is supplied; the price is $225. Another is "immediate burial" and the ad states what is included for a price of $315. For "cremation with viewing and attendance," the price is $440, and it is stated in detail what is given for that price. And, finally, "burial with viewing and attendance" at $440.

I think we should be encouraging the advertising of funeral services and funeral supplies, and that is the major reason for taking out the words "prohibiting or" in this clause to indicate that this Legislature is in favour of advertising. The particular advertising is still to be governed by the board but this removes the prohibition to ensure that we are encouraging the advertising of services and supplies.

Finally, I've added some words at the end of the section which I feel to be very important. They are simply requiring funeral service establishments to have an itemized list available of the prices of their services; the cost of using their facilities; the cost of equipment—by equipment, we mean things like funeral cars and their merchandise; itemized prices of the particular supplies which accompany the arrangement they are making with the customer.

I would highly recommend this to the parliamentary assistant. It is the type of thing which is found in the code of ethics of various morticians' groups. They do precisely this and have available to all purchasers itemized prices for their services, facilities, equipment and supplies which, when put together, arrive at a total price for the particular funeral.

If they could see that broken down, item-by-item price, the purchasers would be thoroughly clear and would thoroughly understand precisely what it was they were purchasing either at the time of a prearrangement or when purchasing a funeral service in the midst of family grief.

Mr. Good: The way the Act is written now, while it includes the word "prohibiting" and governs the advertising of funeral services, there is nothing in the Act which says the board will or has to prohibit all advertising. It does give the board power to prohibit certain types of advertising.

I feel the board has acted wisely and in a very just manner up to now. They've prohibited certain types of advertising. When I drive to Florida, I hate to see the billboards lining the highway advertising funeral homes every half-mile. You can't do that in Ontario and I think that's good.

I don't think we should have billboard advertising for the funeral homes in Ontario. It's allowed in certain states in the United States. I don't think it adds anything to the dignity of a funeral service. I think the board is justified in prohibiting certain types of advertising.

The matter of requiring the funeral service establishment to display prices, this is already required under regulations of the present Act. There must be a certain number of funeral services available, from lower prices up, to satisfy the needs of those who choose a more elaborate and more costly type of funeral service. As long as we have a society such as we have, where freedom

of choice is available, funeral directors do have to make available services of varying price ranges.

As far as I know, all funeral homes do reduce prices for services which are not required. This is a standard practice as far as I know. Under the new Act, of course, there will be even tighter regulations available than under the old Act, in that the board can control not only ethical practices but business practices. I'm sure it's a long-standing practice for all funeral homes to display their prices in their selection room.

Advertising is now very prevalent in the field of encouraging people to come and talk over their personal wish regarding funeral services, prior to need. This is going a long way to allaying the fears of people being pressured at the time of need, when they are under an emotional strain. I think the main thrust of advertising among funeral groups lately has been in that direction. People come in and discuss what their wishes are. They record them and put them in writing. Many people wish to prepay them and, of course, that comes under The Prearranged Funeral Services Act of the province of Ontario. Those moneys are held in trust under that Act and inspected on a regular basis by the board. I remember the days when prices were advertised in the province of Ontario. I don't think it did anything but mislead some people because the prices were advertised at the low end of the scale and never at the high end, and what one gets in a funeral service varies a great deal.

The trend had been in the last 10 or 15 years that people pay only for those services they wish and they require. For that reason, if a person is advertising it is most difficult to establish what is included in that price with the funeral service. It is not as though you are buying a commodity that includes just one item of merchandise. You are buying merchandise as well as professional service.

I think the advertising aspect has been handled very well by the board. The board has powers here to handle it in any manner it sees fit. I, for one, would not quarrel at all with whatever decision the board makes as to what advertising it will allow and what advertising it will not allow. Certainly under regulations there will be the requirement that prices be established clearly. In all businesses in the province of Ontario it is of utmost importance that the family know exactly what their cost will be relating to the funeral service and that the additional costs be made very plain as relating to cemetery costs, newspaper notices, additional travelling charges and all these matters.

In the last 10 or 15 years, great strides have been made in this regard. Itemization of accounts is available. I think most directors do find that people are comparing prices. I submit that this can be done properly only by a visit to the funeral home prior to need.

Mr. Bounsall: In reply to that, the member for Waterloo North and myself are certainly not in disagreement on that point. If one preplans one's funeral, one does have the time over a period of weeks to shop around and compare the prices for various services and the various merchandise which is available amongst and between various funeral homes. With that sort of pressure not on a person, he usually can be successful in obtaining the breakdown list. But usually most people—and we are all human in this regard—do not tend to preplan their funeral. I think the percentage of people who preplan their funeral and pay for it in advance is much smaller than those who don't. In the moment of their grief if they find themselves in a funeral establishment in which it is required that they be given a breakdown of price—for example, how much for embalming—they can decide whether or not to embalm, embalming being required I understand only for transportation outside of the province. They can decide whether or not to take it in relation to the total price.

This is the sort of thing this amendment does. I might say to the member for Waterloo North that there are some funeral establishments that do resist the itemized price breakdown. In fact, there are some whole communities, I understand, where this practice is resisted. I agree it used to be more resisted but over the last four or five years with the emergence of things like the memorial societies there has been more co-operation and more information in this regard. I would hope that the opportunity we have in this Act would make it very clear that this sort of itemized breakdown will be forthcoming at all of the funeral establishments.

Mr. Wiseman: I'd just like to say that we cannot accept this amendment. I believe that a lot of the worries that the member for Windsor-Sandwich has can be looked after in regulations and will be looked after in regulations where the cost of the funeral and everything will have to be displayed at the funeral home. I feel that our section of the bill is good and should stand.

[4:45]

Mr. Chairman: Ready for the question?

All those in favour of Mr. Bounsall's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the "nays" have it.

Vote stacked.

On section 34:

Mr. Bounsall: I have a comment on 34(1)(i). I did have an amendment for this section, Mr. Chairman, but in the interest of time I simply won't proceed with it in that formal sense. It would be a tack-on after the phrase "providing for a code of ethics." I had considered building into the Act the phrase, "similar to the code of funeral practice of the National Selected Morticians." It simply would be a suggestion to the board in relation to the passing of its bylaws and regulations that the code of ethics be very similar to that very good one established by the code of good funeral practice put out by the National Selected Morticians. That is freely and readily available.

I was hoping that my remarks would be sufficient to have that body consider very seriously adopting that particular code. It has within it many of the things which have been a concern of mine and a concern of the memorial societies across Ontario. If adopted as a code of ethics, it would make co-operation between the memorial societies, the public and funeral directors much more positive than it appears to be at the moment. Such a code would ensure that they are receiving exactly the type of service and exactly the type of merchandise that they best want for the prices that are being charged.

Mr. Good: I would like to say a word on this amendment—

Mr. Chairman: It's not an amendment. It's a proposal.

Mr. Good: Yes. All right. The proposal is that the board adopt a code similar to the code of funeral practices of the National Selected Morticians. It's rather significant that they should speak of a code of an American-based funeral association.

I would like, Mr. Chairman, to say that I hope the board would adopt a code of ethical practices very similar to that of the Ontario Funeral Services Association. I'm very proud of this code of ethics. We've had it for a number of years, and I would like to take a moment to read it. I'm sure all members in the House would agree that this would be a sound basis for the code of ethics referred to in this section, and I'm sure the board would be guided by this.

"1. Members shall provide their services to all who shall require them regardless of ability to pay." Show me another group that does that.

"2. Members shall not be critical nor appear to be critical of those who desire minimum services at minimum costs.

"3. Members shall have the total funeral price clearly marked on all caskets and shall at the time of making funeral arrangements clearly inform the purchaser of any additional charges which may have been incurred as a result of special requirements or circumstances.

"4. Members shall always be most careful to avoid any possibility of misleading the public as to legal or other requirements relating to embalming or other aspects of funeral arrangements.

"5. Members shall keep in complete confidence all personal information given them.

"6. Members shall at all times observe the requirements of The Embalmers and Funeral Directors Act and shall subscribe to the code of ethics of the Ontario Funeral Services Association and shall faithfully observe the spirit and the letter of this code of ethical practice."

With my compliments I would like to send a copy to the parliamentary assistant and two copies to the members of the NDP.

Mr. Bounsall: If I may, still speaking to the section, there are certainly funeral establishments in the province of Ontario which are members of the National Selected Morticians and agree to the code of the National Selected Morticians which is more extensive and more explicit than the one quoted. I will not take time to read this particular code but it certainly is much clearer than the Ontario code about the provision of prices in particular and is very clear about making no misrepresentation, written or oral, anything false or misleading, and so on.

I won't read the sections but to the board making the regulations and adopting this code of ethics, I simply want to say the Ontario code is not bad as a start but it certainly can be extended. The board should have a look at this code of good funeral practice by the National Selected Morticians as the way in which the Ontario code could be extended and expanded upon.

Mr. Foulds: Well put.

Sections 34 and 35 agreed to.

On section 36:

Mr. Chairman: Mr. Wiseman moves that clause (d) of subsection 2 of section 36 of the bill be deleted and the following substituted therefor:

"(d) Where the licensee is a corporation,

"(i) that each one of a majority of the directors of the corporation is a Canadian citizen or a resident of Ontario, and

"(ii) that at least one of the directors of the corporation is a funeral director."

Mr. Bounsall: On this, I might say, certainly there is no problem and I commend the parliamentary assistant for bringing forward the first section of this, that each one of the majority of the directors be a Canadian citizen or a resident of Ontario. That's a good addition to the Act.

Not to nitpick, though, I'm a little disappointed—but I don't know how you get around it—that at least one of the directors must be a funeral director. My concern about this is it would not make it possible for a co-operative such as exists in Sudbury, for example, to continue to function unless they put on the board the funeral director whom the co-operative hired. I suppose that would be possible and it's not disallowed under the Act and in this way the co-operatives could then function.

I see, I think, the parliamentary assistant nodding his head in agreement—that would be possible under the Act; the employee of the co-op could be placed on the board of directors of that co-op. If that is clearly permissible, of course we've no objections to the second section of this clause.

Mr. Good: Speaking to this amendment, I think it is good. It will not create any hardship on any existing funeral home, including the co-operative in Sudbury.

I might say the co-operative in Sudbury has always had a licensed person operating that business. They've always had a licensed person. There's been no problem in that regard and I presume they will continue to have the same licensed person operate that co-operative.

This will not interfere whatsoever with the operation of that co-operative but it will require that one of the board of directors be a licensed funeral director and that the majority of the directors be Canadian citizens or residents of Ontario. I think this is a good amendment.

Mr. Foulds: I'd like to support the motion. I would prefer that the "or" in the third line be "and," but as this is better than what was previously in the Act, I support my colleague and the caucus will support him.

I wonder if the parliamentary assistant could explain if there are any situations in which it is possible that the people designated in subsection 1(b), as he has outlined it, may well be residents technically of Ontario, but would not be Canadian citizens in their entirety. Are there any situations like that to your knowledge?

Mr. Wiseman: This section was changed because we do have a situation where we have two groups from the States here at the present time. One has Canadian directors on it and the other doesn't. I feel we'll have a better control on it if we put this section into the bill.

Mr. Good: If I may add a note to this, this section will not create any hardship. It will require that there be a Canadian subsidiary running the Canadian branches, including the Ontario branches, of the two American-owned corporations that are in Canada now.

I think Canadian citizen is important because the same board of directors will run their branches all across Canada. "Resident of Ontario" would indicate that the person here may be an American citizen, but to reside here and run the operation he would have to be here as a landed immigrant who may not as yet have Canadian citizenship status. When the "or Ontario resident" was added, while it does broaden it a little bit, I can understand the necessity for it. Certainly it means that the actual operation will be from within Canada through its subsidiary.

Mr. Foulds: I wonder if I could just ask that the situation be monitored so that we don't find ourselves into a rollover situation, that is, that that corporation which has only landed immigrants resident in Ontario doesn't continue to operate that way after a five-year period, and that these are bona-fide landed immigrants who obtain citizenship within a reasonable five- or six-year period. I wonder if the parliamentary assistant could undertake to monitor that situation so that it isn't a constant rollover situation.

Mr. Wiseman: No, we haven't got anything in here that I'm aware of that would protect us for that part, but maybe I could ask my lawyers about that. It might well be that the firm from the States would send a landed immigrant up here and that person might take out citizenship papers and stay here. We're only assuming that he'll turn over every five years. It's a possibility but I really don't think it would happen.

Mr. Chairman: Ready for the question?

All those in favour of Mr. Wiseman's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the "ayes" have it.

Motion agreed to.

Section 36 as amended agreed to.

Sections 37 to 47, inclusive agreed to.

Mr. Chairman: We have some stacked amendments and it's our understanding that the bill will be stood down for a vote at a later time, before the committee rises, so that we can complete the work of the committee before the division. The bill will be stood down just for that purpose.

WINE CONTENT ACT

House in committee on Bill 135, An Act to provide for the limited inclusion of grapes grown outside Ontario in Ontario wine.

Mr. Ruston: You emphasized limited.

Hon. Mr. Handleman: Just a point of clarification for the record, since the explanatory notes will not be reprinted when the bill is finally produced, I would like to indicate to the members that the last sentence in the first part of the explanatory notes is incorrect. It should have read "The authorization to sell the wine so manufactured is limited to wines manufactured prior to January 1, 1982." That does not require an amendment since it is not part of the bill.

[5:00]

On section 1:

Mr. Chairman: Mr. Swart moves that the words "where such grapes or wine are not available from Ontario growers" be inserted in clause (a) of subsection 1 of section 1 immediately after the words "imported wine" in the fourth line so that the clause reads:

"(a) fixing for each manufacturer licensed under The Liquor Licence Act, 1975, a quota of grapes grown out of Ontario or the equivalent thereof in imported wine where such grapes or wine are not available from Ontario growers that may be used by the manufacturer in the manufacture of wine for the purposes set out in section 2."

Mr. Swart: Mr. Chairman, in the interests of time, and because I think the amendment and two subsequent ones are rather self-explanatory, my remarks will be brief. We opposed the bill on second reading because we thought that at least it was premature; the surveys hadn't been taken to show that this bill would be beneficial to either the growers or the wineries. Although the bill received second reading, we think we should try to remove some of the risk that there is in this bill at the present time.

The growers themselves had asked that the word "vinifera" be put in after the words "quota of grapes" and ahead of the word "wine" in this section, but I believe there is some feeling on the part of the minister, and perhaps others, that it is not an exact term and, therefore, it would not be specific enough to include in the bill and perhaps would make it somewhat confusing. He may also argue that the words "not available" may not be specific enough either. But I would point out that either of these is better than having nothing in the bill. The clause now reads:

"(a) fixing for each manufacturer licensed under The Liquor Licence Act, 1975, a quota of grapes grown out of Ontario or the equivalent thereof in imported wine that may be used by the manufacturer in the manufacture of wine for the purposes set out in section 2." And that gives absolutely no protection whatsoever. They could be Concord grapes or any other type of labrusca grapes which we grow here in this province.

The intent of this amendment, of course, is to assure that we will only bring in the types of grape or wine that are not grown or available in this province. I hope that perhaps even the minister will be willing to accept this amendment to give this added protection to the growers of this province.

Mr. Hall: I have been concerned with providing evidence to the growers that consumption of their grapes will not be diminished in any respect in the process of manufacturing wine in Ontario or by anything that happens out of this blending legislation. I see no objection to the amendment which has been moved. Actually, I propose an amendment to section 5 which might stipulate it in somewhat the same manner. I think it will continue to be necessary for me to move an amendment when I get to section 5.

Hon. Mr. Handleman: First of all, we will be opposing the amendment and I want to explain quite clearly why because it's obviously well intentioned. It's designed to ensure that nobody imports grapes in competition to those which are being grown in Ontario and are now required to be used in the production of Ontario wines.

The amendment says "where such grapes." I see a lot of pretty eminent counsel sitting around here and I think they would agree with me and the experience I had in another Act where this was used, that "such grapes" refers to imported grapes. How imported grapes could be available for Ontario growers, I really don't know, unless they become importers of grapes. The wording is a completely ridiculous suggestion. There is no such thing as obtaining wines from Ontario growers—nobody in Ontario grows wine, so how could such wine be available from Ontario growers? I simply point out that this is a meaningless, unenforceable type of amendment.

If somebody were to apply to the board and ask for permission to import grapes and some grower in Ontario, reading this, took out of it what the mover means—that he could dispute this—we could be tied up in the courts for years on the interpretation of what kind of grapes are being brought in. I don't think wines could ever be a problem because there is no wine, as I previously said, available from a grower.

In terms of grapes, it would be just as difficult to enforce as the word "vinifera." We can't get a meaning for the word "vinifera" and the growers eventually agreed that it should not go in the Act.

Here we're talking about such grapes, referring back to those grapes which are imported. As I say, it would be the most confusing kind of situation. You could stymie a manufacturer, a winery, for years by going through the courts to determine what are such grapes.

Concords are not all the same and there might be some reason for importing Concords that we don't know about. The price paid for importing grapes is quite high. You give up a number of privileges in order to have the right to import.

In the regulations which have been distributed to those members who are interested in this bill, we have provided that everyone who wishes to import grapes or wine must apply and must outline exactly what they are going to be importing. Obviously, when that information comes before the board and there's an indication that somebody wishes to import grapes of a kind which could be construed as being competitive to Ontario grapes, we will want to know why.

We feel that that kind of flexibility has to remain in the regulations in order to provide for such eventualities as a crop failure which could happen very quickly and which would make certain grapes not available from one part of the vineyards of Niagara. We have to say that the flexibility provided for in the regulations could prevent unnecessary importation of fully competitive products from anywhere else; but we have to allow that flexibility because of the possible contingency of unforeseen problems arising and requiring certain grapes to be imported on a very fast basis. We will be opposing the amendment.

Mr. Swart: To reply, I would point out, of course, that it's because of our concern that we are introducing this amendment. We use the words "available from the Ontario growers" in case there is a crop failure here sometime and then they could go outside to get those grapes to make their wine. It doesn't limit it to a particular variety. If the grapes are available within this province if they're grown here, they should be purchased here and that is our intent.

We feel it is important to have it in the legislation rather than just in the regulations which can be changed by the ministry. If we are going to allow any grapes to come into this province when they are available here, that decision should be made by the Legislature, I suggest, not by regulations—regardless of what justification there might be for it. There might be no justification for it.

Clause (b) of that same section gives the minister the further control when it says: "prescribing the terms and conditions under which the quotas mentioned in clause (a) may be used, in providing for their cancellation or reduction." Surely that gives you all the control by regulation you need.

But we want this principle in the bill and that's the purpose of moving it.

Mr. Hall: Mr. Chairman, I think we are all trying to achieve the same end here and we have had several discussions with the growers' representatives and with the wineries. I hadn't seen the member for Welland-Thorold's proposed amendment except very quickly before I had to speak on it. I am satisfied that the minister's explanation of the legal problems that might ensue are a point of concern. I have just now provided the member for Welland-Thorold a copy of the amendment that I will propose to section 5 later on, which I think is heading towards the same target. It would therefore be my reconsidered view that the amendment proposed and just being discussed is not necessary.

Hon. Mr. Handleman: Mr. Chairman, I don't want to prolong this. I simply want to point out again that under (b), the terms and conditions would only apply to those grapes or

wine which could be imported. Once there's a dispute as to the kind of grapes or wine which could be imported, then the government's right to set terms and conditions under the regulations would be completely proscribed. You can't set terms and conditions on the importation of something that can't be imported.

Our concern is to allow flexibility. I am sure the hon. member is aware of this, but we have undertaken that the regulations will be developed in concert with the wine standards committee of the Ministry of Agriculture and Food on which the growers and the wineries and the Ministry of Agriculture and Food are all fully represented. We have made that as a commitment. We have distributed what we consider to be good draft regulations but those are not final.

As the hon. member for Lincoln has said, the whole purpose of the Act is to protect and to encourage the growth of grapes in the Niagara region. I can't understand how, if the amendment which the hon. member for Lincoln proposes to introduce is carried, anything could be done contrary to the purpose of the Act so that we would always have that purpose in mind in administrating the Act. Therefore we have to repeat that we will oppose the amendment.

Mr. Acting Chairman: All those in favour of the amendment will say "aye."

All those opposed will say "nay."

In my opinion, the "nays" have it.

Mr. Deans: I think we will stack this.

Mr. Acting Chairman: We will stack this vote.

Mr. Swart moves that clause (c) of subsection 1 of section 1 be amended by adding thereto the following words: "But in no event shall the quota of grapes grown out of Ontario or the equivalent thereof of wine exceed 15 per cent of the total amount of grapes purchased by any manufacturer from Ontario growers in any year, nor shall a wine made from a combination of imported grapes or wine and Ontario wine contain more than 30 per cent imported vinifera grapes or wine."

[5:15]

Mr. Swart: Very briefly, I realize again that it is proposed this be provided in the regulations, but because the bill itself puts no limitation and because at some future date there can be some conflict between the manufacturers and the grape growers, if there is a request made to increase the amount, I think a limit should be provided by the Legislation, and if they want to go above these limits then they should have to come back to the Legislature to get it changed, and not leave it just in the hands of the minister with regulations.

Mr. Hall: This matter has been discussed before. All parties are aware that the inclusion of items which are best left in the regulations will remove any amount of flexibility if they are in the Act itself. This is a test programme. It is made quite clear by the explanatory notes that there is a five-year period of time involved. Moreover, as was stated the other night, this is only one of four co-operative programmes being worked out in concert by the Grape Growers' Marketing Board, the Wine Council and the ministry.

I take it it is understood by all parties that the best place to handle detailed regulations is outside the framework of the bill. I have been reassured in most clear terms by the minister that prior to the final adoption of the regulations discussions will be held with representatives from the Ontario Grape Growers' Marketing Board and the Wine Council. One of the items that will be considered there will also be the matter of annual review of the regulations themselves. Without wanting to make this point too long, I would have to feel that we would not support this amendment.

Hon. Mr. Handleman: I should repeat again, although we have had it in debate before, that the Act and the regulations have been arrived at by consensus. I feel I should repeat again the commitment I have made on behalf of the government that changes will be made only by consensus and that all parties will be consulted.

This is innovative; experimental legislation. We recognize that. While it is not in the draft regulations at the present time, I want to make clear right now that we will be proposing that an annual report be submitted by everybody who participates in it so that we can review the performance. There may be cases that are unknown at the present time that might require some deviation from this. I can't visualize them at the present time. I really don't accept the proposition that has been made to us that we can call the Legislature back in the middle of July and get an amendment to the Act if it proves necessary. Certainly it would not be considered to be that crucial a matter.

We now have in the draft regulations a provision which guarantees exactly what the hon. member has moved as being part of the

Act. I understand why he is doing it. But I really do feel in any experimental legislation of this kind that you have to have flexibility at some time. It may very well be in the first year or two of operation we find that 15 per cent should be embodied in the bill because there is no need to deviate from it, and we would not hesitate to bring that amendment if it was necessary.

Mr. Acting Chairman: All those in favour of Mr. Swart's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion, the "nays" have it.

Vote stacked.

Mr. Swart moves that a new subsection 2 of section 1 be inserted, to read as follows:

"(2) A manufacturer licensed under The Liquor Licence Act, 1975, who uses a quota of grapes grown out of Ontario or the equivalent of imported wines shall not make more than 225 imperial gallons of wine per ton of Ontario grapes purchased from the Ontario growers."

And that the present subsection 2 be renumbered subsection 3.

Mr. Swart: This provision is proposed in the regulations. We think that we should set this maximum in the legislation. The minister states, and rightly so, that the proposals in this bill are innovative and experimental. The adoption of this amendment and the previous two amendments would still leave the bill innovative and experimental up to maximums. We feel that these maximums should be included in the bill because the growers could be severely hurt if there were permanent regulations put in a bill—perhaps by a different minister—which provided for a greater amount of foreign wine or foreign grapes to be used. It's part of the maximum which we believe is reasonable in this innovative and experimental process.

Mr. Hall: Again, we feel it is an item that should be in the regulations and we would not support this amendment.

Hon. Mr. Handleman: We will, of course, be opposing the amendment. I just wonder if the hon. member from Welland understands that this really has nothing to do with the importation of wine. We're talking here about the yield from grapes for Ontario wine. In order to participate in this programme you must meet the yield requirements of the regulations of 225 imperial gallons, where at the present time the regulations require 250. Amending this will not in any way change the importation. This is what you must do in order to import; it's one of the conditions.

I think you should realize that your colleague, the member for Wentworth, expressed some concern about what this would do to one of the major users of labruscan Concords. Our view is, that's where we require the kind of flexibility to meet individual winery requirements, provided there's consensus with the growers. We will not move on any departure from that figure for anyone except with the consent of the growers; and that particular winery is aware of that condition.

Mr. Swart: I would suggest to the minister that, although he's technically correct, it may not affect the importation, it is part of the package that has been largely acceptable to the growers. In fact, it will mean they will have to buy more grapes locally—I'm sure he would agree with that—and, therefore, it is part of the package. I suggest it is a very important part of the package; if they could still make 250 gallons of wine, they wouldn't have to buy the extra grapes which at this time—perhaps not in the future—your regulations will provide.

Our amendment would not affect this major user about which we have concern, if he did not import any foreign wine or any foreign grapes. My understanding is that perhaps he would not be doing this, so I do suggest that it is a reasonable amendment and sets reasonable maximums.

Mr. Acting Chairman: All those in favour of the amendment will say "aye."

All those opposed will say "nay"

In my opinion, the "nays" have it.

We'll stack that one.

Sections 2 to 4, inclusive, agreed to.

On section 5:

Mr. Acting Chairman: Mr. Hall moves that the bill be amended by renumbering sections 5, 6, and 7, as sections 6, 7, and 8, and by adding thereto the following:

"(5) The purpose of this Act is to permit the introduction of grapes grown outside of Ontario and imported wine into wine manufactured in Ontario, without reducing the use of Ontario grapes in the content."

Mr. Hall: I might just speak on this briefly, Mr. Chairman. I think it is important to give complete assurance in the legislation to the growers that the purpose of the regulations behind this trial period of wine blending will

in no way have an adverse effect on the consumption for use of Ontario wines of grapes grown in Ontario. The regulations need to be subject to review and possible modification, but the Liberal Party is very much concerned to make certain it is patently obvious to the growers that nothing will be done that in any way will further deteriorate the sale of Ontario-grown grapes. They face a considerable problem as it is now. They've had a year in which they had several thousand tons that were unsaleable despite assistance from two levels of government. Therefore, I think it is very valid to stipulate in the legislation itself that nothing in the Act will tend to reduce the Ontario grape content in the wine.

Mr. Swart: I just have two comments on this, Mr. Chairman. I obviously am in accord with the principle of this. I would suggest it would have been much more effective if we'd had this in the legislation which required this so that we would assure that there were adequate limits on the amount of foreign wines that could be used. The principle of this is good, except I am wondering if you shouldn't take off the last three words. It seems to be a bit contradictory; if you are using foreign wine or grapes you are going to reduce the use of Ontario grapes in the content. I think we'd all agree that the purpose of the bill must be that we're not going to reduce the use of Ontario grapes in total, but in the content of the wine we certainly will be reducing the percentage.

Hon. Mr. Handleman: We will be supporting the amendment. I think I should make it clear that in doing so there is no effect of bringing in the purpose of the Act on the interpretation of other sections unless of course it becomes a matter for the jurisdiction of the court. It may then look at the intent of the Legislature in passing legislation. It has no effect on the numbers or things of that nature in the regulations except where a court has to know what the intention of the Legislature was in passing it. If there is a dispute in that they can refer to this section and we think it adds something to the bill.

[5:30]

Mr. Lawlor: Surely the phrase "in the content" ought to be deleted. I would ask the member who moved it to reconsider his position with respect to it. If a bottle has a certain content and part of that content is imported grapes, then obviously the use of Ontario grapes in the content is reduced. That's the whole purpose of the legislation to so reduce it in the content, but overall it ought not to be reduced, and that's what you're trying to get to.

Mr. Hall: I don't usually wish to correct the member for Lakeshore but I have checked this out very carefully with the Wine Council and the Ontario Grape Growers Marketing Board. At the present time under the present regulations, if this Act did not exist, the gallonage available from a ton of grapes could be added to with water and or sugar up to 250 gallons. The intent of these regulations will be that where blending occurs, the gallonage produced from one ton of Ontario grapes will be in total only 225 gallons. Where there is an addition of any material to the quantity of juice coming from a ton of grapes, which is somewhere in the neighbourhood of 160 to 165 gallons, that will be wine that will be added.

Therefore it is safe to say, regardless of what blending is done, the Ontario content of the grapes on that particular item of manufacture will not go down. This is the very point we wish to make with the growers. Possibly the minister can put it in other words.

Hon. Mr. Handleman: I think I know what the member for Lakeshore and the member for Welland-Thorold are concerned about. There is no question that the percentage content, which is now 100 per cent of Ontario grapes, would be reduced. The quantitative content, the volume of Ontario grapes in any particular brand of wine which is blended, will remain the same because of the fact, as the member for Lincoln pointed out, the 15 per cent is equivalent to the reduction from 250 to 225 gallons. If you take a look at that, you'll find you'll still have the same amount of grapes percentage-wise.

Mr. Swart: You're changing it.

Hon. Mr. Handleman: Yes, of course we're changing it but we're not going to reduce the amount of grapes. We're supporting the amendment in its present form.

Mr. Swart: We are going to support this in any event. You are reducing by 10 per cent in fact the amount they can make, but you're allowing 15 per cent of foreign wine to be included, and even up to 30 per cent in some particular wines so that in fact there's a likelihood that the content will be reduced. I would prefer to see it as the use of Ontario grapes, but we'll support this in any event, although I think factually it's wrong.

Mr. Kerrio: I think this portion of the bill really deals with the guts of the bill, if you will. We are very concerned about maintaining the quantity of Ontario grapes in the gallonage that is produced here. I think if we want to just stand to get on the record we'd make the kind of statements that have been made over here to my right simply because they don't understand the bill.

The fact of the matter is that in the production of wines, in Ontario by introducing either wines or imported grapes we're going to put them in place of water and sugar, which up until now has been used in the production of wines in Ontario. It's been accepted by the board; it's produced a good quality wine.

Mr. Deans: We know that.

Mr. Kerrio: In lieu of water and sugar, we're now going to allow this introduction. We wouldn't have it any other way. That's why we stand here supporting the bill. To have an implication here that there's any chance at all of reducing the amount of Ontario grapes to go into the wine-making industry is wrong and it isn't going to happen.

An hon. member: You'll guarantee that?

Mr. Acting Chairman: Shall the amendment carry?

Motion agreed to.

Section 5, as amended, agreed to.

Sections 6, 7 and 8, as renumbered, agreed to.

Mr. Acting Chairman: This bill will be stood down and will be voted on at the end of the committee sitting.

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH AMENDMENT ACT

House in committee on Bill 187, An Act to amend The Regional Municipality of Hamilton-Wentworth Act, 1973.

On section 1:

Mr. Acting Chairman: Mr. Norton moves that section 53a of the Act, as set out in section 1 of the bill, be amended by adding thereto the following clause:

"(j) 'Urban transit area' means the city of Hamilton or such greater area as may from time to time be defined by the minister;"

And that the present clause (j) be relettered as clause (k).

Mr. Deans: Mr. Chairman, just a brief word about it. What I want to say really is this: We don't intend to speak at any length about any of the clauses, because all of them are more housekeeping than anything else, but rather we say at the outset that we anticipate the bill in all of its clauses will probably be back before the Legislature in the next session. I know the regional council are reviewing it, and they do have some suggestions to make with regard to some necessary changes; given that that be the case, we think the bill should go forward at this time in an effort to try to allow the region to take over what we've been attempting to have taken over for some considerable period of time.

Mr. Cunningham: Mr. Chairman, very briefly, we too will support the amendment, and the ones that I gather are going to follow, with the understanding that we will discuss this in some more detail in the spring and get further input from our region. I would only echo the sentiments expressed by the member for Wentworth and hope we can look at this again in the spring.

Motion agreed to.

Mr. Acting Chairman: Mr. Norton moves that subsection 10 of section 53b of the Act, as set out in section 1 of the bill, be amended by striking out "shall continue but may be modified or varied by agreement between the regional council and the council of an area municipality" in the third, fourth, fifth and sixth lines, and inserting in lieu thereof "shall by agreement between the regional council and the council of an area municipality be continued, discontinued, modified or varied."

Mr. Deans: Just one question: I wonder if the parliamentary assistant would tell me why the change was made.

Mr. Norton: This specific change is to implement a request that was made by the members of the regional council, who I believe met last Saturday to review a draft of the bill. There were a couple of specific requests that they made—the first amendment to include a definition of the urban transit area and this amendment. We felt the other wording was adequate, but they preferred this; so we're including it.

Motion agreed to.

Mr. Acting Chairman: Mr. Norton moves that section 53b of the Act, as set out in section 1 of the bill, be amended by adding thereto the following subsection:

"(13) The contractual relations in respect of terms of employment, including rates of pay, sick leave credits, holidays with pay and superannuation benefits existing on January 1, 1977, between the company or the subsidiary company on the one hand, and the employees of the company or the subsidiary company on the other hand, remain in force and are binding upon the regional corporation and the board of directors established under subsection 2 of section 53c for the remainder of the term of any subsisting agreement or agreements in that regard."

Mr. Deans: Just one brief word about it: I anticipated this amendment would be made from the discussion that we had the other night with regard to the protection for employees. I realize that perhaps certain people in the ministry might have felt that it wasn't necessary, given that the Act itself did mention and deal with the matter of the continuance of employment and benefit. But I do appreciate that this was spelled out in this way since, when we're making amendments which bring in agencies not previously covered by a major Act, it ought to be made abundantly clear so that there can be no mistake and no need for adjudication or question that employees are protected. It's difficult enough these days to find employment and it's hard enough to protect yourself. I think the Legislature should take it upon itself to make sure that employees are protected in most instances, this being one of them.

Mr. Mackenzie: This was the one addition that I wanted to be sure was in the bill and I certainly intend to support it. I would like to comment that I think a section like this should be incorporated whenever we're doing a bill like this. The protection of the relationship, the wages and the contractual arrangements of the workers should be one of the first things we take a look at, and all too often it's not in many of the situations we're dealing with in this House. I think it happens to be a very vital addition to the bill and I welcome it.

Motion agreed to.

Mr. Acting Chairman: Mr. Norton moves that subsections 1 and 2 of section 53 of the Act as set out in section 1 of the bill be struck out and the following inserted in lieu thereof:

"(1) the regional council may by bylaw levy against such of the area municipalities as are wholly or partly within the urban transit area the sums required to meet any deficit arising out of the operation of the regional public transportation system within the urban transit area, and such bylaw may include any expenditures made by the regional corporation required for the provision, planning or improvement of the regional public transportation system in the regional area, and such levy may also include any expenditures made by the regional corporation for the provision, planning or improvement of service provided to such area municipality or any part or parts thereof, the costs of providing public transportation service to such area municipality, the revenue miles in such area municipality, actual deficits or the combination thereof pertaining to such area municipality and such other factors that are in the opinion of the regional council relevant to such apportionment.

"(2) The regional council may in its levy under 81(1) include any sums required to provide for any deficit arising out of the operation of the regional public transportation system outside the limits of the regional area insofar as such provision has not been provided for in the agreement entered into under section 53b(11).

Hon. J. R. Smith: I would like to say I am very pleased that this amendment has been put forward because it will protect the taxpayers of the city of Hamilton from the added costs of providing additional services to the developing areas within the county part of the regional municipality, areas that are not so densely populated. When development does take place, one of the first things they look forward to is the providing of public transit. Until the density is such and the customer service can be developed to a high enough level, it is very expensive.

Motion agreed to.

Section 1, as amended, agreed to.

Mr. Norton: If I could perhaps make just a couple of brief comments, I realize that we just carried the amendment but they arise actually out of all the amendments and some of the comments of the members opposite me. We appreciate there may well be matters that have to be looked at in the near future again in consultation with the regional government and with the area municipalities. The matter has been dealt with rather quickly within the ministry at the request of the Hamilton-Wentworth region, because as the hon. members know, the agreement was arrived at quite recently after a number of years of negotiation. It was in response to their request that we made every

effort to facilitate the implementation of this by having the legislation passed through the House this session.

[5:45]

In conversations with them it is evident that there may be requests coming in the new year for us to have another look at certain aspects of it. But this, at least, should allow them to put the regional transportation system in place at the beginning of the new year. Then we can work with them in ironing out any difficulties that might arise.

Mr. Deans: Mr. Chairman, in response to the words of the parliamentary assistant, I think that the regional municipality is delighted that the government has moved so swiftly. I think we all understood that Saturday last was rather short notice for the passage of a bill that would have such an impact—and this bill has a substantial and significant impact on the total region. It has been a long and difficult process. Getting from the original days, when there was considerable disagreement among the various local municipalities as to how the regional transportation system ought to be operating, to last Saturday, when they came to substantial agreement, was fraught with all kinds of stumbling blocks and difficulties; but nevertheless they did act. I know I speak on behalf of the regional council when I say they are grateful for the fact that the government was able to move so swiftly in order to put into law what they had requested.

There are, as in every bill, areas of disagreement and I think that we all understand that the bill is not perfect in its present form. That is something that we are all going to have to live with. The indication from the parliamentary secretary of the willingness of the minister and the government to make amendments, if, as and when those amendments become apparent and necessary will be welcomed by the regional municipality. If only the Minister of Consumer and Commercial Relations was so accessible and easy to deal with, then life would be much better for all of us here.

Hon. J. R. Smith: I would like to join with the comments of the hon. member for Wentworth and commend as well the members of the regional council of Hamilton-Wentworth and the regional chairman, Mrs. Jones, and also the Hon. Mr. McKeough for bringing forward this legislation. I am glad this House was able to bring it into effect before Christmas.

I would just like to ask of the parliamentary assistant whether or not the provision of the board of directors—is service on this board to be the same as on a regular licensing committee, or a fire committee and so on of the regional council or is it to be a per diem such as the police commission?

Mr. Norton: There is no specific provision in the legislation that would regulate that. It would seem to me—

Mr. Deans: Would you guys talk to each other?

Mr. Norton: —that that would be a matter subject to the discretion of the regional government—

Mr. Deans: Would you do this in cabinet?

Mr. Norton: —in recognition of the fact that regional government of the type of the Hamilton-Wentworth government is a very responsible level of government. I think those decisions can adequately be taken at that level.

Mr. Deans: Absolutely.

Mr. Norton: One other comment I might wish to make, again along the lines of the rather short period of time which we have had, is that the co-operation we have had from the officials of the regional government has been outstanding. I would also like to say that the co-operation between the staff of the two ministries involved—both the ministry I am associated with and the Ministry of Transportation and Communications—has been great. In fact, some have sacrificed weekends in order to make it possible for this legislation to be before the House in the short period of time since it came to our attention. I think it's a good sign that we have such dedicated civil servants in this province who would give up a weekend this close to Christmas.

Sections 2 to 5, inclusive, agreed to.

Bill 187, as amended, reported.

Mr. Acting Chairman: That completes the business of the committee. I believe there have been a number of votes stacked.

FUNERAL SERVICES ACT
(concluded)

The committee divided on Mr. Moffatt's amendment to section 2(2), which was negatived on the following vote:

Ayes 29; nays 73.

Section 2, as amended, agreed to.

The committee divided on Mr. Moffatt's amendment to section 5(1), which was negatived on the same vote.

Section 5, as amended, agreed to.

The committee divided on Mr. Bounsall's amendment to section 10(5), which was negatived on the same vote.

Section 10 agreed to.

The committee divided on Mr. Bounsall's amendment to section 15(2), which was negatived on the same vote.

The committee divided on Mr. Bounsall's amendment to section 15(3), which was negatived on the same vote.

Section 15 agreed to.

[6:15]

The committee divided on Mr. Bounsall's amendment to section 33(1)(q), which was negatived on the same vote.

Section 33 agreed to.

Bill 171, as amended, reported.

WINE CONTENT ACT

The committee divided on Mr. Swart's amendment to section 1(1)(a), which was negatived on the following vote:

Ayes 29; nays 73.

The committee divided on Mr. Swart's amendment to section 1(1)(c), which was negatived on the same vote.

The committee divided on Mr. Swart's amendment to section 1(2), which was negatived on the same vote.

Section 1 agreed to.

Bill 135, as amended, reported.

On motion by Hon. Mr. Handleman, the committee of the whole House reported three bills with certain amendments.

THIRD READING

The following bill was given third reading on motion:

Bill 189, An Act to establish the Unified Family Court.

WINE CONTENT ACT

Hon. Mr. Handleman moved third reading of Bill 135, An Act to provide for the limited inclusion of Grapes grown outside Ontario in Ontario Wine.

Mr. Speaker: Those in favour of Bill 135 being read a third time will please say "aye."

Those opposed will please say "nay."

In my opinion, the "ayes" have it.

Motion agreed to.

FUNERAL SERVICES ACT

Mr. Wiseman, on behalf of Hon. F. S. Miller, moved third reading of Bill 171, The Funeral Services Act.

Mr. Foulds moved that Bill 171 be not now read a third time but be read a third time four months hence.

Mr. Breithaupt: Same vote, Mr. Speaker.

Hon. Mr. Davis. We may not be here four months hence.

Mr. Reid: We will all be in the poor house four months hence.

Mr. Conway: It all depends on the Gallup polls.

Mr. Speaker: Order, please. As is customary, we will vote on the main motion.

All those in favour of Bill 171 being read the third time will please say "aye."

All those opposed will please say "nay."

In my opinion, the "ayes" have it.

Motion agreed to.

THIRD READING

The following bill was given third reading on motion:

Bill 187, An Act to amend The Regional Municipality of Hamilton-Wentworth Act.

LABOUR RELATIONS AMENDMENT ACT

Hon. B. Stephenson moved second reading of Bill 176, An Act to amend The Labour Relations Act.

Hon. B. Stephenson: The members of the House may recall that the purpose of this bill is to reduce the number of key bargaining situations in the organized industrial, commercial and institutional sectors of the construction industry to approximately 25 recognized trades or crafts. The bill will effectively restructure collective bargaining in this sector of the construction industry by consolidating existing bargaining relationships.

Consolidation on the union side will be achieved by grouping together those bargain-

ing agents that bargain for a particular craft and belong to the same international union. Consolidation on the employer side will be achieved by grouping together employers who now bargain with a particular craft union.

Mr. Speaker: Order, please. Will those who are leaving the chamber please do so as quietly as possible? Thank you.

Hon. B. Stephenson: The effect will be to create parallel structures for unions and employers. Once these structures are established, a group of employers will be able only to enter into one provincial agreement with its counterpart union group. The result will be what is frequently referred to as province-wide, single trade bargaining.

A second aspect of this bill is its provision for the co-ordination of bargaining in the industrial, commercial and institutional sectors of the construction industry. Co-ordination will not involve the exercise of bargaining rights by the co-ordinating agency but will provide only a structure for the bargaining agencies to exchange information and data and to engage in related co-ordinating activity. Co-ordination will be of particular value since provincial agreements will be required to expire on a common date. The bill, however, expressly prohibits the co-ordinating agency from exercising or purporting to exercise bargaining rights held by a bargaining agency.

The reduction of key bargaining situations and the co-ordination of bargaining should eliminate disruptive intra-trade and inter-regional bargaining rivalries and thereby bring a greater measure of rationality and stability to the bargaining process. These new structures also should encourage the parties to adopt broader perspectives in bargaining to the benefit of employees and employers in the province as a whole.

I have certain amendments which have been introduced into a new copy of the bill which is available for all members of the House at this time. It seemed to me that it would make it much easier and much more logical for the members of this House to have at hand for this discussion the amendments which the Ministry of Labour proposes in terms of Bill 176. I think they have been distributed and that the amendments will have the effect of clarifying the purposes of the bill and will ensure that it will be compatible with existing bargaining structures in the industrial, commercial and institutional sectors of the constructon industry. I would especially note that residential construction is specifically eliminated from any discussion within Bill 176.

Mr. Bounsall: Mr. Speaker, I must say I find the recent developments rather interesting—the bill with some amendments placed within it. I don't know where it got to on the top of my desk—if it was placed on the desk—but it is not here.

Mr. Bullbrook: We are not debating that bill in any event. Forget about it. We are doing Bill 176.

Mr. Bounsall: That's right. That's right. I agree with the member for Sarnia that we're looking at Bill 176.

Hon. Mr. Davis: I am with you at this time.

Mr. Bullbrook: I thought you were with me all the time.

Mr. Bounsall: I was rather disappointed with the minister's opening remarks in that she didn't make the mechanism of this extremely clear to the House at this time. I can only assume that that mechanism is that we'll go through a sort of discussion here tonight on the principle of the bill which we have before us—and that's all that will happen. Then a bill will be introduced later in a revised form containing the minister's revisions and whatever else the minister may consider to include as a result of what is being said here in this discussion tonight. I use the word "discussion" advisedly because that's the way it must be treated when at this late stage in the session, there is no intent to proceed with further consideration of it.

In fact, I find it rather unusual that there would be a second reading introduction at this time at all. I am told sort of unofficially that it will not be proceeded with in this session. The minister has had persons indicate to her since the introduction of the bill—which was in any event such a recent introduction—December 2—that they weren't necessarily happy with the bill in its entirety. The only reason I can see for this discussion now is simply to get acros to the minister exactly those parts or portions of the bill that we are finding, from persons who contact us, those portions where the unhappiness lies. Then the minister and her staff can judge that degree of unhappiness between now and March and incorporate those changes into the bill which she will present to us.

About the bill before us, I think we've all received telegrams from virtually every

major international union in the construction field urging us to send the bill to committee outside the House for a thorough understanding of what the clauses in this bill are going to do. I expect the minister's phone has been like mine—I've had virtually every group in the province phone me and ask various questions about it — does section whatever mean so-and-so? Although by and large those people who've contacted me are in favour of the overall general principle of province-wide bargaining by trade or craft in the construction industry, they do have a lot of concerns about various sections of the Act. There is not so much opposition to various sections, but rather questions about what it means.

If I say to them I think that section means such-and-such and this is how I feel it's going to operate, and they then say to me, but why couldn't it operate in this other direction, I certainly have no answer for them. When the various locals of the construction trades are asking their higher executive officers what it means and are again told they think it means a certain procedure we'll follow, or a certain type of structure will result, the executives are then asked, "Where does it say that in the bill?" And of course, the bill doesn't say that. It's conjecture on their part—what it means. This very clearly points out the need for a thorough discussion outside this House in committee so that the minister and her staff can respond in detail as to what the bill means. In fact the bill may require the addition of sections and amendments to sections.

[6:30]

One other major point I'd like to make in my simple general remarks on the bill is that most people, unless they have worked some years in the construction industry, find the present bargaining structures, the present patterns and the present relationships within the construction industry very hard to unravel and very hard to follow. When they get into jurisdictional disputes and what have you and when they hear of these between unions and the construction industry, they are usually at a loss to know just what is going on. In fact, several quite bright people involved for some years in the construction industry have said to me that even after all those years they do not thoroughly understand the construction industry. They might understand their one particular craft within it, be it bricklaying, be it ironworkers, or be it carpentry, but they don't really know much about and can't get much of a handle on what really goes on in an other major craft or major trade in the construction industry.

With people who are knowledgeable in this field and who are quite bright and capable of learning in the field make statements like that, it really is difficult for virtually all of us here as laymen to understand what is actually being said or not said in various sections of this bill. In one sense, this is one of the few bills that I have ever seen where it would have been useful to have a committee discussion outside the House prior to second reading. I gather that may well be the minister's intent. We are going through a small discussion stage here tonight because it is going to be introduced again in the spring, although again I am sort of conjecturing on that as the minister didn't say that, if I heard her correctly, in her remarks before the House here tonight.

Perhaps that is really what is going to take place. You have presented to us another copy reprinted for consideration by the committee of the whole House. I suppose it will be in existence for the next three months and people who have concerns can look at it and a further expanded copy which may answer some of their questions. Again, I am in the position of being only able to conjecture that that is the case. Just to make sure that that is the case, I really had expected the minister to indicate that the mechanism was that a second reading sort of discussion be given tonight and that the bill would be re-introduced in the spring so that a thorough committee stage discussion could take place outside the House. I am rather surprised that she didn't.

Just to make sure that that is what is going to happen—and I am sure the Liberals would support us in this situation—unless the minister makes it very clear, I will move, seconded by Mr. Mackenzie, that Bill 176 be not now read a second time but be read a second time not later than three months hence.

Mr. Speaker: Mr. Bounsall moves that Bill 176 be not now read a second time but be read a second time not later than three months hence.

Mr. Bounsall: Just continuing on, the construction industry has been around and there has been organized bargaining in the construction industry for a long time. To think that we would introduce a bill on December 2, which would propose the restructuring of the bargaining, all of which was to be accomplished in order that bargaining under the

new structured situation take place on April 30, 1977, is a little unrealistic. There is no great rush in this bill.

If the bill had been introduced earlier in the session, when the bill could have gone outside the House and the questions that were in the minds of so many persons could have been answered in committee sessions in time for it to pass at the end of this session. I suppose that would have been acceptable, because perhaps the restructuring could have been done and the internal reorganization of the bargaining agents, both for the employers and the employees, could have taken place in time for meaningful negotiations to take place somewhere around April 30. I certainly wouldn't expect much negotiation would take place in advance of April 30; it would then take place after the present contracts had expired, because of the reorganization that would be required. That might have been possible if the bill had been introduced early in the session, but its introduction on December 2 clearly did not leave enough time for the committee stage to take place, which is so necessary in this bill.

Turning to the few comments I have on the bill itself, certainly all of the representation that I have received—and it is mainly from the employees' side—is very critical of sections 136, 137, 138 and 139. This is where the outline of the co-ordinating agency is provided. I need not explain to the minister or to the House what that co-ordinating agency is, other than that, according to the bill, if the minister so designates—and I don't think it would be here unless she was going to—through the Lieutenant Governor in Council, a co-ordinating agency is where all the employer bargaining agencies are combined into one co-ordinating agency. Although they are enjoined in section 139 from exercising or purporting to exercise the bargaining rights held by an employer on employee bargaining agency, the fact that a co-ordinating committee, has solidified into existence certainly indicates to me that this will be being done informally.

The Franks commission report, which contained a study on the bargaining structure, indicated that two of the main groups making submissions—CLRAO and a group that speaks for the purchasers of construction—wanted a co-ordinating agency or something of that type in existence with veto power, which was clearly unacceptable. What we have before us is a proposal for a co-ordinating agency that doesn't have veto power. There's no question in my mind that once it is formed, and once those people are meeting, that amongst them all they will be indicating to each other on an informal basis what would or would not be acceptable in each of the individual crafts or trades.

To me, it is poor legislation to have to form a co-ordinating agency of employers. In fact, it brings up the point as to whether these clauses in the bill don't really violate section 4 of The Labour Relations Act, which states: "Every person is free to join an employers' organization of his own choice and to participate in its lawful activities." This is clearly an employers' organization, a co-ordinating agency of all those employer bargaining agencies and, in my opinion, in that respect it violates section 4 of The Ontario Labour Relations Act.

I understand that various of the employer groups are also opposed to the co-ordinating agency. I would suggest there's a majority involved in the construction trades—virtually the totality of the employees on one side and some employers on the other side—who are not in favour of a co-ordinating agency. In that respect this section of the bill, when it comes before us in some revised form, possibly next spring, is not a section that we could support.

Another section of the bill which is of concern concerns section 127 of the Act in which discretion is given to the Lieutenant Governor in Council on the recommendation by the minister to designate the trades or the crafts involved. Here again, this is nothing personal to this particular Minister of Labour when I say it is poor legislation to give to a particular minister or the ministry this kind of discretionary power to sit in judgement in a bill which is going to completely reorganize the bargaining structure in the province of Ontario. It is poor legislation to give that minister or that ministry discretionary power to decide and designate what trades and what crafts are going to be amongst the group of 25 or so which are going to exist for the purposes of province-wide bargaining under this Act and where the same power to designate exactly the employee bargaining agents which will be their counterparts under this Act and answer those questions which pertain to those.

I don't know what kind of a judicial-type or semi-judicial-type hearing the minister or someone in the ministry is going to have to hear brief presentations on why or why not.

Hon. B. Stephenson: It is in the revised Act.

Mr. Bounsall: If it is in the revised one, we certainly haven't had time to look at it.

If there is something contained in this other Act which has come before us in the House tonight which speaks to that, that is not the Act which we are discussing at this time. It's the Act as tabled, introduced and appearing in our books that we are discussing at this point. We have in Ontario a very well respected, quasi-judicial body, the Ontario Labour Relations Board, with persons on that board conversant with the problems in the construciton industry.

It's to a panel of those persons from the board that representation should be made as to what forms of trade and what forms of craft and the best employer organization there should be for purposes of the bargaining in this Act. It's a panel where briefs can be presented and arguments heard. With their knowledge of the construction industry in the province of Ontario decisions can come forth from that Ontario Labour Relations Board from the panel chosen thereon. I would suggest that it should be one single panel dealing with them entirely. It's that board which should be deciding matters of this kind and certainly not, I say, with no personal reflection intended, the minister or some one body or group within the ministry making this determination. As I say, I haven't had an opportunity to look at the revised Act tabled before us tonight but I can't imagine that type of procedure being in any way looked upon as the proper type of legislation we need for purposes of the Act.

One could go on and talk much further about Bill 176; for example, the concern that people have about what is an affiliated bargaining agency when it's defined as a bargaining agent affiliated or related either directly or indirectly with other bargaining agents. What is a direct relationship? What is an indirect relationship under that sort of relationship? Who is and who is not included, and so on? There are many questions about that kind of loose wording in the Act and everyone seems to have his own interpretation. That again is the type of question which needs to be decided by discussion outside this House so that it's cleared up to everybody's knowledge and satisfaction and we know exactly on what we are voting when we support or do not support this particular bill.

[6:45]

Other various mechanics of the bill have been pointed out to me by other and various persons. For example, under this new structure, if you follow the sections of the bill which have been introduced and which would would now form new sections from 125 on, in The Labour Relations Act, how are grievances going to be handled? It appears there has been at least a reference left out of section 112(a) of The Labour Relations Act. If that is the intent, to have 112(a) operate again in this section of the construction bargaining, at least a reference to that needed to have been made—or whatever type of grievance situation is necessary should be spelled out in this bill.

I think that's all I intend to say on the bill. It's a bill which should have been introduced earlier if it was to be concluded in this session. It must go for a full discussion outside the House for all those interested persons to have their questions answered. I'm not saying that the purpose for that would be to indicate their opposition or their favour, but more to get their questions answered. It's my feeling that the majority of employers and the majority of employees in the construction industry in Ontario would prefer to have it on this province-wide basis. That may well be the most rational way to organize this entire industry with respect to its bargaining at contract time. But I would anticipate then that that committee stage would be a series of clearing up questions. It would certainly be an educational process for the members of this House to see the complexity and the different situations that arise in the construction industry as exemplified by their necessary bargaining.

I might say to the minister that we suffer from the same feeling over here as well—whenever one has a good idea about what might work in a general overall way, the tendency to want to see that idea come to fruition in legislation as quickly as possible is rather overwhelming. But there's no need to have this in place for the round of bargaining in April 1977. There are certainly some groups of employers and some groups of employees who would very much like it in place —no question about that. You've had representation from those persons as well—but they happen to be in the minority. Even they are saying to us, with the possibility of change in the Anti-Inflation Board regulations before us, there is no way that we would be willing to sign a collective agreement that would commence on May 1, 1977—that was any longer than a one-year collective agreement.

So the minister need not be concerned about this bill being introduced in March, with a thorough discussion taking place and the bill passed somewhat later in the spring to take effect for April 30, 1978, because so

many of the contracts which will be signed, effective May 1, 1977, will be one-year contracts, so you'll still be picking up all of those one-year contracts by bargaining time 1978, and all those other contracts whose normal termination date now is April 30, 1978.

With what is anticipated as the length of contract that would be signed under normal conditions that are prevailing for this coming year, those being one-year contracts, we have no need at this point to rush this legislation through.

Mr. Bullbrook: Mr. Speaker, I know that you will rule me out of order immediately because it's not a question on the principle of the bill, but I want to wish you a merry Christmas. I also want to convey to all my colleagues, the clerk's staff, the Hansard staff, the press gallery and those who abide the tribulations of this House, season's greetings from myself. I want also to take the moment to point out that it's been brought to my attention by my colleague from Renfrew North that if the vote goes a certain way this will be the last speech I'll ever make in the Legislative Assembly.

Some hon. members: No.

Mr. Bullbrook: Which could be a great relief to many people, I am certain. In any event, I want to dispose with the hoist motion right off the bat, if we can. We won't support the hoist motion because of the fact that it's a redundancy, it's not necessary. The minister has had an understanding with it. The bill is not going to proceed, it's going to die on the order paper as of tonight or tomorrow. What we are attempting here is to signal to those people in the construction industry that it is our intention to support in principle that principle of province-wide bargaining in the construction industry. That's my total understanding of it. Frankly, I don't mean to be offensive, but there's an inference in the hoist motion that perhaps we don't trust each other around here. I want to say I do trust the minister and I'm not going to ask my colleagues to support that motion at all.

Let's talk about the bill. We will be supporting the principle of the bill; it is something that's necessary. I subscribe to some of the comments made by my colleague from Windsor-Sandwich with respect to the legislation. I'd be less than human if I didn't point out that people might want to reflect upon statements made by the member for Sarnia on May 16, 1968, where he called for the principle of province-wide bargaining in the construction industry, where he called for the principle of coterminous contracts in the construction industry, where he recognized at that time that the leap-frogging and whipsawing that was going on in that industry was leading us down a path towards inflation.

There is no doubt about it and it has to be said that no industry in the Dominion of Canada has been the cause of the inflationary cycle that hit us as has the construction industry, and they've got to bear that responsibility. It is indeed unfortunate that the governments on all levels didn't recognize what was going on because there would be no need for any Anti-Inflation Board in the Dominion of Canada now. Just hark back to what was happening in the fifties and sixties, when it wasn't a question of competition, but it was a question of having to fill a need. It was a question of building, capital development, houses, shopping centres, plants, factories, schools, public institutions. And what were we faced with? We were faced in my riding, I recall distinctly in 1967, with some of the most ludicrous, ridiculous circumstances that one could envisage in the collective bargaining process.

For example, we had the "chemical valley" shut down as a result of strikes by the trades. Where were some of the trades? While they were on strike in Sarnia, they were working building the Ford plant in Talbotville in St. Thomas. What kind of collective bargaining are you going to get when that goes on? What happened was once the electrical workers came to a conclusion with respect to their contract and everything was fine, we'll find that the millwrights would go out or the labourers would go out. It was one constant turmoil in the industry. It didn't require anybody of expertise or knowledge to know that with every contract, as a result of that competition and as a result of that need, it was thrusting up the rates.

I don't say this to say that the tradesmen should not have been paid more; certainly they should have. They themselves recognized that technological changes in the construction industry had changed the essential ingredient of construction trades bargaining. In my father's time it was impossible to think of working during the winter. I want to say that I quit law school in my second year to go to work on building the jet base in North Bay; I ran a batching plant there and poured hundreds of thousands of yards of concrete at 20 degrees below, which couldn't have been done in 1930 and 1920.

One of the overriding considerations in bargaining in the construction industry was the fact that the people couldn't work the year around in this climate. As a result, they traditionally had to be compensated for that

inability to work because of the climate. And yet their outstanding obligation to their families had to continue; there wasn't at that time any type of social service programme like unemployment insurance.

It seems to me that adequate consideration wasn't given in the process in the 1950s and the 1960s. What happened was that management knew, no matter what rates were bargained, that there was someone who could pay, because these things that I talked about before had to be built—schools had to be built. Of course, as the leap-frogging created larger costs, these costs were passed on. They were passed on to the taxpayer when you built a school and to the home owner when you built a house. When you built a plant they were passed on to the manufacturer, who built his additional capital costs into his product—and the consumer paid again. In the shopping centre they were passed on in the leases to the retailers, who passed it on to the consumers in the eventual cost of the products.

At that time, something had to be done in the construction industry—and it was spoken of. The Premier of the day and his successor were pleaded with by myself to come to grips with it and to have a look at it, because it wasn't only the politicians who were concerned; it was the intelligent people who were running the contractors' associations and the intelligent leaders of the trade union movement. They recognized that the essential value of the dollar that was being bargained for was being eroded by the very process itself and nothing was done.

It is something for which this minister can't bear the burden, but for which this government has to bear the burden. So does the federal government; it really does. They walked collectively with a blind eye. The discussion that took place at each Premiers' conference in those years—about tax rentals and about the shifting of points, which still continues—was important. But at no time did they ever seem to want to talk about the questions of our economy and where we were going or the question of productivity and where it was going.

If there was no leadership from government, we couldn't expect to get leadership except where we got it from. Happily we got it—we got leadership from the construction unions and, to some extent, from the construction industry. They finally recognized they couldn't continue in this fashion, and there developed an understanding, a rapport, between them. As happy a rapport, frankly, as in any industrial bargaining in Canada, I think, even now takes place in the construction industry.

Certainly if my riding is any example of it, and if the people with whom I've met over the last week are any example of it, I want to voice for the record that the only group that I found less than co-operative was the Construction Labour Relations Associations. They're the only ones. They were adamant and unduly direct in insisting that in no way should we hold up this legislation. They didn't seem to even care what the quality of the legislation was.

[7:00]

I don't want to offend the minister by saying this but, surely to goodness, no one in their right minds can subscribe to this legislation when they realize the minister has just brought in what purports to be a reprint of Bill 176—it isn't, in effect, but it purports to be a reprint of Bill 176—filled with amendments thereto. I don't want to waste the time of the House going over the reasons. I had to be adamant in my recommendations to my caucus colleagues that, of course, we support the bill in principle. It's something that needed to come for a long time but it's late to compliment the government on the appointment of the Franks commission to study collective bargaining in the construction industry.

I don't mean to be offensive to the wise professor, but I recall reading the interim report and it put forward all the questions that were plaguing so many people—but questions also that had been debated in this chamber. I think it's only appropriate that we give credit to ourselves in that respect. At least we did recognize over the years what the problems were.

In any event, we have the final report which came through in June and this is a sincere attempt by the ministry to adopt some of the recommendations. And so as I say, by way of compliment, further by way of action, we support the principle. I'm very pleased also that it is not going to committee now.

There are certain aspects of the legislation that—I haven't had an opportunity, nor has my colleague from Windsor-Sandwich, to look at the minister's amendment. I appreciate what she's doing. I think the intention is, as I said, that we all three will signal in the industry that the minister is going to have this legislation in place in March and that the ministry and others will in the meantime be attempting to establish the structure that's necessary to complement the legislation. The minister, in addition, has seen the need for

certain amendments, Mr. Speaker, and is, in effect, advising the public of her intention with respect to the amendments Bill 176.

I want to make some specific recommendations. I would appreciate your indulgence by my referring to certain sections of the legislation, but the minister I think is interested in knowing what the Liberal Party will look to when we come to standing committee. It's absolutely essential that we have that; I completely support the position taken by our colleague from Windsor-Sandwich. We've got to have public input and we've got to understand the ramifications of it.

Also our colleague from Windsor-Sandwich was correct that the main concern that's been expressed by knowledgeable people deals with the co-ordinating agency. There has to be a more significant definition of the structure of the co-ordinating agency itself. I anticipate there's going to be more than one co-ordinating agency. First of all, I thought there would be 25 co-ordinating agencies dealing with the various trades. I realize it's out of order for us to get into a dialogue, but maybe by way of assent—There certainly is an intention that there be more than one co-ordinating agency?

Hon. B. Stephenson: Perhaps.

Mr. Bullbrook: Perhaps. Because when one looks at the wording of the legislation, for example, section 137 says, "a co-ordinating agency" and, of course, the pronoun "a" connotes that there would be more than one, otherwise it would say "the co-ordinating agency." So I presume there's going to be more than one co-ordinating agency.

I understand the function that's intended with respect to the co-ordinating agency. It's obvious under section 139 that there be no power vested in the co-ordinating agency to undertake the collective bargaining procedure. That's got to be spelled out in more detail. I think we've got to have recommendations with respect to amendments to section 139 that will spell out the exact function of the co-ordinating agency. It's really one of moral persuasion and education and the dissemination of information, as I understand it, during the currency of the bargaining process. That's what I understand it to be.

I believe it's important, therefore, that those people who are involved should meet with the approval of those who are going to effect the collective bargaining. It's very important. Therefore, I think we've got to understand that although we repose great confidence in the Lieutenant Governor in Council, this Legislature especially in a minority context, has to know what's going to go on.

When you couple section 136 to section 127 to set the designation of the employer bargaining agency and of the employee bargaining agency, there is just too much leeway given to the Lieutenant Governor in Council. We went through this on Bill 138. I want to convey to my colleagues, if I can, that we don't pass legislation with respect to the incumbency of this government or the incumbency of this minister. I, therefore, will exaggerate for the sake of clarity. Consider for a moment the province of Ontario being governed under this legislation by an extremely radical party which had an almost totally unilateral commitment to one of the parties to the collective bargaining process. Consider that for a moment.

Mr. Gregory: Give us a hint.

Mr. Bullbrook: Perish the thought that that would ever take place, but consider the powers of that government under this legislation. What the minister could do is he could create a co-ordinating agency overweighted in one fashion. He could render almost nugatory any of the functions of the co-ordinating agency. I'm sorry, I don't mean to be offensive; he or she could.

Hon. B. Stephenson: Thank you.

Mr. Bullbrook: When I say "he," please read "he or she."

Hon. B. Stephenson: It's a generic.

Mr. Riddell: It is safer if you use "it."

Mr. Bullbrook: Please never read "it," I hope.

Hon. B. Stephenson: I hope.

Mr. Bullbrook: He could, for example, designate the constitution of the employees' bargaining agency in a fashion that its powers and its ability to properly bargain were rendered nugatory and were rendered useless.

Mr. McClellan: Is this an inevitability you are describing?

Mr. Bullbrook: No, not at all.

Hon. B. Stephenson: No, it is a description of doom.

Mr. Bullbrook: As a matter of fact, when I use the phrase "extremely radical" I don't think there's anyone at present incumbent who could form part of that government because I have found, frankly, my present colleagues hardly radical at all.

Mr. Maeck: It must be Christmas.

Mr. Bullbrook: I am trying to give an example of how careful you have to be when you pass legislation. You're now giving that minister the power to recommend the constitution and the establishment of the employee bargaining agency. And, boy, are we going to make that one a dandy. In effect, there is no true collective bargaining left. You've got to be extremely careful when you're enacting legislation that gives these tremendously discretionary powers to the Lieutenant Governor in Council without the Parliament understanding the definition, delineation and restriction of those powers.

That's why the words under section 127 have to be changed. We've got to know what the constitution of the employer and employee bargaining agencies is going to be. We've got to know what powers they have. We've got to know what powers they have with respect to the local agreement. We've got to know the powers of the affiliated bargaining agencies. We've got to know what the restrictions are there. Are you going to have local appendices to the provincial concept or are you not? We've got to assure that there is adequate representation, satisfactory to the trades themselves. We've got to come to grips with the question of the ratification by the affiliated bargaining agents with respect to the provincial agreement. We've got to come to grips with the question of voting powers. Are they to be weighted or are they not to be weighted? These are all things that the legislation doesn't speak to.

Therefore we've got to say to CLRAO, as much as we don't like to, this bill isn't going to be passed. It's certainly not going to be passed as far as the Liberal members of the Legislature are concerned. We're going to take the position that we'll support the bill but we're going to want many, many changes. It had been my original intention to go on at great length.

Mr. Eakins: Go on.

Mr. Conway: More.

Hon. B. Stephenson: He never needs any encouragement.

Mr. Bullbrook: I want to point one thing out to the minister. Let me show what I think is an apparent absolute difficulty in the legislation. Section 130 reads: "Where an employee bargaining agency has been designated or certified to represent a provincial unit of affiliated bargaining agent, all rights, duties and obligations under this Act of the affiliated bargaining agents for which it bargains shall vest in the employee bargaining agency but only for the purpose of conducting bargaining and concluding a provincial agreement."

I want to read that section to you in the context of section 112(a) of The Labour Relations Act. If you will bear with me for a moment I will try to find the page as quickly as possible. That section, in effect, says that only a party to a collective agreement can institute a grievance. That's the intention of that section.

Think of it for a moment. The affiliated bargaining agent is not a party to the province-wide collective agreement. So under section 112(a) of The Labour Relations Act the affiliated bargaining agent cannot institute agreements with respect to the contract. You would then say to yourself the employer bargaining agency will institute the grievance. But the problem is, section 130 of the bill gives the power to the employer bargaining agency only for the purpose of conducting bargaining and concluding provincial agreements. So neither the affiliated bargaining agency nor the employer bargaining agency has the power to grieve, as I read the statute. I could well be wrong but that's the way I read it for the present moment. So we require a look at that.

I took the extra time purely to put it on the record for those people throughout the province who wanted us to expedite the agreement and to ask them to bear with us in this respect. I asked them if they read Hansard to have some sympathy for us Liberals. Eight years ago we asked for it and didn't get it. Two years ago, finally, the minister of the day decided to look into collective bargaining in the construction industry. In June of this year, the final report came down. And on December 2 we get the legislation.

So if we say please give us an opportunity to digest the legislation, give the public and especially those people who are directly affected an opportunity to have input, I don't think we are being obstructionist in our attitude. We don't mean that. I want to send out a signal to CLRAO and let the record show I raised my voice. Those men were offensive to me.

Mr. Mancini: No.

Mr. Bullbrook: It was a happy circumstance to meet with the mechanical contractors association and the plumbers and the pipefitters, to see the liaison they have and then to have the people from CLRAO say, "Aw, don't listen to those guys, they are in bed together." I hope every collective bar-

gaining process in the province of Ontario gets in bed together like that.

I want to record for the people of Ontario that if I were Minister of Labour CLRAO would have nothing to do with the co-ordinating agency—make no mistake about that—if that's their egotistical, self-centred, narrow, opinionated approach, to try to lay the blame on people for putting legislation before a standing committee where the public can have input. One of them had the effrontery to say to me, "Why do you have to let the public have input?" Imagine people coming to a parliamentarian and asking him to expedite legislation and not understanding the essential democratic process in this province. Thank God we've got a Minister of Labour who seems to understand this.

[7:15]

That was a very vigorous signal that I gave to them. But, majority government or minority government, that obtains; when the public want to make input, they should be given the opportunity of doing so.

Legislation should only go to committee of the whole House, in my opinion, under adequate rules and when there is unanimous consent. That's the way legislation should be passed, in my respectful opinion. Were I Premier of Ontario, I would ask the Legislature to entertain that type of rule, that legislation goes automatically to standing committee. If one member feels that the public should have input, so be it. It should need unanimous consent to go directly to the committee of the whole House. Then people such as CLRAO will understand what the process is all about.

You've been very indulgent with me, Mr. Speaker. I again compliment the minister for the legislation. We'll try our best, as part of the opposition, to co-operate in bringing forward your intention and the intention of Professor Franks.

Hon. B. Stephenson: Mr. Speaker, if I might clarify some of the concern which has been expressed regarding the apparent delay between the reporting of the Franks commission and the introduction of the legislation, that period of time has been taken up with almost daily consultations with the parties concerned. It was felt, as a result of this degree and amount of consultation, that indeed almost everyone who could have some concern about this type of legislation would have had the opportunity to make those concerns known to us.

It was therefore with a little bit of chagrin, after the first reading, that we entertained the notion that there were some groups within the province who were not totally happy with the concept as proposed in Bill 176. With the overall concept, I think there is general agreement; with certain specific parts of the concept, there is certainly some opposition. As a result of that, it has been decided that it would be wisest to develop some kind of mechanism whereby there could be adequate public input into the deliberations regarding the clause-by-clause reading of this bill.

I had really hoped—and I have to tell you this, Mr. Speaker—that we would have the opportunity to have all of this done by January 1, because I am informed by both parties that if such legislation is introduced, it will take them a moderate period of time to gear up for the system which, in effect, is being developed through this legislation.

It is my sincere hope that, with the support of other members of the House, when this House is again open in the spring, that we will be able to reintroduce the legislation immediately, move immediately to standing committee and begin immediately the careful scrutiny of the legislation and the amendments which undoubtedly are going to be introduced by my colleagues from the Riviera of Ontario, Sarnia and Windsor, and that in a relatively short period of time the legislation will be ready for presentation again to the whole House.

I believe it would be useful to have it in place at least for the beginning of negotiations for the coming year. We won't have it in place for January 1, and I am informed by some trade unions that indeed they would need to know at that time. Therefore, upon making the decision that there had to be public hearings in standing committee for this bill, it was our intention to ensure that some of the concerns which we have heard over the last couple of weeks, since the introduction of the bill at first reading, might be clarified for those people who are going to be examining the bill in the interim. That is why the reprinting of the bill has been done, with the addition of the amendments which we felt were appropriate in order to solve some of the problems which some of the critics found in the bill and in order to ensure that the intention of the bill was clearly demonstrable for those who would be perusing the legislation in the interim period.

I would point out to the hon. members that some of the concerns regarding section 137, for example, and section 136, may be removed as a result of that reprinting, because

there have been some clarifications therein. The co-ordinating agency perhaps is not defined as specifically as the hon. member for Sarnia would like, but I know he has an inherent antipathy for anything which smacks of ministerial discretion at any time. I understand that and I understand his reasons for it as well. However, I would remind him that there is no piece of legislation that is etched in stone, that indeed any one of them can be changed. If it doesn't work in the form in which it is presently delineated, then that can be modified and I would ask him not to be too unhappy.

I really would like to wish the hon. member a merry Christmas because I understand that he may not be back in this House and I find that a very sad kind of scene to contemplate. Without that smiling visage across the floor, I think life will be very much duller in this institution. However, having said that—

Interjection.

Hon. B. Stephenson: Having said that, I am aware of some of the problems that he has with certain kinds of thoughts and some concerns that he has about certain types of legislation and I can accept those. But I really believe that he has to be aware of the fact that this is new and experimental legislation. Not new to the member because he suggested it in 1968—and I bow to his superior capacity—but it is new legislation for this House. I believe that it has to be considered reasonably experimental and therefore not something which we have to consider came down the mountain with Moses.

Mr. Bullbrook: When legislation is etched, we find it hard to get it unetched.

Hon. B. Stephenson: I find that an intriguing suggestion, Mr. Speaker, and probably this has been the public perception of legislation for some time. I do hope that as a result of experience that public perception will change quite dramatically.

Mr. Bullbrook: Good, I hope so too. We think you'd do it too. That's great.

Hon. B. Stephenson: There were other suggestions which the hon. member for Sarnia and, indeed, the hon. member for Windsor-Sandwich made as well. Obviously the member for Sarnia would like the function and the construction of the power of the Lieutenant Governor in terms of establishing employee bargaining agencies and employer bargaining agencies spelled out absolutely to the letter so that there can be no variation, no aberrations, no concern about moderate moves in one direction or another, which might arise as a result of the legislation as it is presently stated.

I find that an intriguing suggestion. I still think he is being a bit rigid about it, but this is something which will be considered very seriously within the committee. I appreciate his presentation of the potential amendments which he might bring in.

I would remind the members—no, I wouldn't remind them because the members of the House do not know, but there are specific concerns about the apparent conflict between sections 130 and 112(a). That has, I think, been corrected totally by the addition of an amendment which is 134(3).

Mr. Bullbrook: Oh you modified it. Good.

Hon. B. Stephenson: Yes, and it specifically removed that conflict, which I think will solve some of the problems.

But I really do feel very strongly that this legislation is vitally needed in the construction industry, in the industrial, commercial and institutional sector of this industry, at this time. I believe very strongly that we should not depend upon the projection made by the hon. member for Windsor-Sandwich that because of the fact that the anti-inflation programme is still in existence, the contracts which will be established hopefully in late April, early May of this year will be for one year only and therefore we can have the legislation in place for the next year.

I think it would be much wiser if the employers and the employees in the construction industry were aware of our intentions regarding this legislation, could begin to establish mechanisms within their own structures to accommodate this kind of legislation at the time that the legislation is enacted and, in fact, could apply this new mechanism to the agreements which are reached this year. I think it would be good for the construction industry as a whole. I think it would be good for the economy as a whole. I think it would signify that the legislators in this province are aware of the joint concerns of employers and employees in that industry—aware of the kinds of efforts which they have jointly put into developing the concepts which are embodied in this legislation. I think we should support them fully and I think we should give this very interesting experiment a chance to come to good fruition, which I think will be of benefit to all of us.

Mr. Speaker: Those in favour of Bill 176 being now read a second time will please say "aye."

Those opposed will please say "nay."

In my opinion the "ayes" have it.

Motion agreed to.

NOTICE OF MOTION NO. 10

Hon. Mr. Welch moved resolution No. 10.

"Resolution: That the order for the adoption of the second interim report of the select committee on the fourth and fifth reports of the Ontario Commission on the Legislature be discharged, and the following be adopted:

"1. Two copies of each ministerial statement shall be delivered to party leaders, or their representatives, at or before the time the statement is made in the House.

"2. The question period shall be extended to one hour; opposition party leaders each having two questions plus supplementaries; and further questions be by rotation among all parties, starting with the official opposition.

"3. Parliamentary assistant shall be able to question ministers other than their own, and be able to answer for their ministers when authorized by the Premier.

"4. There shall be a half-hour adjournment debate as provided in standing order 28 each Tuesday and Thursday at 10:30 p.m., and a member shall give verbal notice of his intent to raise a matter in the debate immediately at the end of the question period at which the question was asked, and the reasons for the member's dissatisfaction shall be filed with the Clerk at the table by 8 p.m. the same day.

"5. The government shall provide a response to the House within two weeks to all petitions presented to the House.

"6. Every report of a committee, other than when reporting bills which have been referred to it, shall be tabled in the House by the committee chairman, accompanied by a brief statement from the chairman only; and any such report which includes a request for consideration by the House shall be entered on the order paper as a government order.

"7. The Clerk of the House shall maintain a record in his office of those reports required by statutes which have been tabled and those outstanding. The government shall present all such reports within six months of the close of the reporting period, unless reasons are given to the House; annual reports of the immediate past reporting period for each ministry, and boards, commissions, and other agencies reporting through each minister, shall be tabled in the House before consideration of that ministry's estimates, unless reasons are given to the House. On the petition of any 20 members, any such report tabled shall be referred to a committee of the House.

"8. After any policy statement or introduction of a government bill, the government shall table a compendium of background information of the type proposed on page 50 of the second report of the Ontario Commission on the Legislature.

"9. (a) Any return, report or other paper required to be laid before the House in accordance with any Act of the Legislative Assembly or in pursuance of any resolution or standing order of this House may be deposited with the Clerk of the House on any sitting day, and such return, report or other paper shall be deemed for all purposes to have been presented to or laid before the House. A record of any such paper shall be entered in the votes and proceedings of the same day.

"(b) The ministry concerned shall distribute copies of reports to all members and copies of any background material tabled shall be sent to the opposition critics.

"10. (a) Written inquiries of the ministry shall be dated;

"(b) The minister shall indicate to the House within 14 days if the answer will be costly or time-consuming to prepare, or if the minister declines to answer;

"(c) A notation shall be put below the question indicating that the minister has made an interim answer;

"(d) If a member repeats any unanswered question in the ensuing session, the date of the original notice thereof shall be shown.

"11. The government House leader shall announce the following week's business before the adjournment of the House each Thursday.

"12. At first reading of an amending bill, the minister shall file with the Clerk of the House, and send copies to the opposition critics, an up-to-date consolidation of the Act or Acts to be amended by the bill.

"13. A bill may not pass more than one stage in one day if opposed by 20 members standing in their place.

"14. No order for second reading of a bill may be called until the bill has been printed and so marked on the order paper.

"15. 'Order paper' means the order paper distributed that day.

16. The House shall not sit past 10:30 p.m. if 20 members object to the government motion by standing in their places.

"17. A bill shall not be called for second reading if the Clerk of the House is notified by noon of the sitting day following the introduction of the bill of intention to give notice of a reasoned amendment and such notice of a reasoned amendment is filed with the Clerk of the House by noon of the second sitting day after introduction. If the notice of a reasoned amendment is not so filed, the notification of intention shall lapse, and the order for second reading may be called immediately. If the notice of the reasoned amendment is filed as required the order for second reading shall not be called before the third sitting day after introduction of the bill.

"18. When 20 members stand in their place, after second reading of a bill, the bill shall be referred to a standing or Select committee of the House as the minister having charge of the bill designates.

"19. When a bill is referred to a standing or select committee after second reading, consideration by the committee shall not begin until five days after such referral. At the time of referral the minister having charge of the bill may request the waiver of this interval but such waiver shall not be granted if 20 members register their objection thereto by standing in their places.

"20. That amendments proposed to be moved to bills in committee shall be filed in the office of the Clerk of the House at least two hours before the sitting at which they will be moved, copies of which shall be distributed to the other parties by the mover.

"21. A full Hansard service shall be provided to committees considering estimates, and a tape recording without transcription shall be made of all other committee proceedings.

"22. Sufficient copies should be printed of any bill which may be of particular public interest.

"23. The Speaker shall reduce the number of strangers under the press gallery and behind the members' benches by prohibiting standees.

"24. The motion for interim supply requires notice, and such notice shall include a time limit of not more than six months.

"25. There shall be a minimum of eight sitting days allocated for the debate on the motion for an address in reply to the Speech from the Throne, which debate shall be completed before the introduction of the budget.

"26. A minimum of eight sitting days shall be allocated to the debate on the budget motion, the first five days of which shall be consecutive; the first day for the Treasurer's budget statement, the second and third days for the opposition critics, and the fourth and fifth days for other private members.

"27. The estimates of approximately half the ministries shall be referred to standing committees.

"28. The main estimates of all ministries shall be presented to the House not later than five days following the presentation of the budget.

"29. The order in which estimates are to be considered shall be chosen in rounds, through the House leaders, with the official opposition first, then the third party, then the government, until all estimates are allocated; and the estimates will, as much as is practicable, be grouped in the committee of supply or standing committees according to policy field.

"30. There shall be 420 hours for the consideration of all estimates and following consultation by the House leaders, the government House leader shall announce the allocation of time for each set of estimates.

"31. Estimates or legislation shall not be considered in any standing or select committee while any matter relating to the same policy field is being considered in the House. Not more than two standing or select committees shall meet to consider estimates at the same time and, any member rising on a point of order before the orders of the day, and being supported by 19 other members standing in their places, shall prevent more than one standing or select committee considering estimates from meeting concurrently with the House.

"32. Ministers should provide advance briefings to their opposition critics before consideration of their estimates, in a format to be determined by each minister.

"33. Before the consideration of the estimates of any ministry, the minister shall, where possible, table the latest estimates of actual expenditures in the preceding fiscal year.

"34. Management Board orders shall be printed as an appendix to Ontario Finances, with an explanation of significant variances from printed estimates, and a summary of special warrants shall be tabled on the first sitting day following the issue of the warrants.

"35. In each session the official opposition shall be entitled to three non-confidence motions, and the third party to two. Such motions may be put at any time upon proper

notice during the session, and the debate on each such motion shall be not more than two and one-half hours.

"36. Private bills shall be referred to the appropriate standing committee; and the sessional deadline for the submission of private bills is removed; the required advertisements shall be completed before referral of the bills to committee.

"37. The following procedures shall govern private members' public business:

"(a) each Thursday, from the completion of the routine proceedings until 6 p.m., shall be allocated for private members' public business;

"(b) the parties shall take turns, sharing the time, with up to 90 minutes allowed for each item;

"(c) there shall be no limit on the right of members to introduce private members' public bills;

"(d) there shall be a ballot in each caucus, conducted by the Clerk of the House, in which each member may enter his name once, to draw the names of members who will be able, in the order drawn, to have a bill or resolution of their choice put to the House for debate and vote;

"(e) the ballots shall be held not later than February 10, 1977, for the session of 1977, and the results shall be posted;

"(f) if objection to the bill or resolution being voted on is received either from one-third of the members by written petition to Mr. Speaker at least 48 hours in advance of the debate; or from 20 members standing in their place when the question is about to be put to a vote, then the item will not be voted on. Debate will, however, have been allowed on the item for up to 90 minutes;

"(g) the names of objectors filing the petition against a vote on any item shall be recorded in votes and proceedings the next sitting day after the deadline for filing a petition of objection;

"(h) the votes on all items not opposed, as above, shall be stacked for 6 p.m., following a non-whipped five-minute division bell;

"(i) Private members' public bills which receive second reading shall be carried on the order paper daily and will be called by the government House leader in the same manner as government orders;

"(j) on any Thursday there shall be not more than two items scheduled unless otherwise agreed by the House Leaders after notice; and at least two weeks' notice of any item for any Thursday shall be provided;

"(k) there shall be no adjournment of the debate on any item of private members' public business from one Thursday to another;

"(l) there shall be no limit to the number of resolutions of which a member may give notice.

"38. In the committee of the whole House there shall be a 10-minute division bell for all stacked votes at the end of the sitting. In the House there shall be a maximum 30-minute bell if a vote is pre-arranged by all parties at any time; and a no-limit bell for divisions under any other circumstances.

"39. All recommendations under the heading "committees" at pages 26 through 29 in the second interim report of the select committee are hereby referred for discussion and recommendation, to an ad hoc committee composed of the House leaders, the whips, and a further representative from each caucus.

"40. The proposal for four large policy-field standing committees, and four other smaller committees, is endorsed.

"41. The select committee's recommendation concerning an expanded Legislature in light of the work load for members is noted.

"42. Undertakings by ministries shall be considered in adjournment debates, after notice, similar to other adjournment debates.

"43. There shall be a maximum 20-minute wait for a vote in standing or select committees.

"44. The select committee recommendations concerning the size and skill of the staff of the Clerk of the House, and the Speaker's panel of chairmen, is referred to the ad hoc committee of House leaders, whips et al.

"45. There should be wider posting each Friday of the next week's committee meetings, throughout the legislative building, and such notices be given to the press.

"46. There should be a messenger or page for each committee.

"47. It is noted that the government does not support, at this time, the recommendations of the select committee concerning research assistants for all members.

"48. It is noted that the government will make known its position on the proposal that Mr. Speaker have jurisdiction over the full legislative building, following presentation of the final report of the select committee.

"Where there is a conflict between any of these procedures and any standing order of the House, these procedures shall take precedence during the fourth session of the 30th Parliament.

Hon. Mr. Welch: Having moved the resolution, I'm not going to take any time at all, except to draw the attention of the members of the House to the notice paper, pages three to eight, where the subject matter of the motion is set out in some detail. I would be very remiss, however, if I didn't say in his hearing to the Clerk of the House and to his very capable staff how much we appreciate the special effort that had to be expended last evening in order to have this in printed form for the members of the House today. They worked very late last night in order to accommodate us in this regard, and I'm quite satisfied it's made it much more practical for us to study this matter. I do want to say to the clerk and to the assistant clerk and to all the staff of the office of the Clerk a special thank you for that effort.

Also I would be very remiss if I didn't indicate at this stage that what appears on pages three to eight is really the result of a great deal of work and negotiation. I'd want to say that it's the product of a number of meetings and I'd want to say thank you to all those who contributed with a very positive spirit. We're now able to present this particular consensus for the consideration of the House.

Mr. Morrow: Although this interim report of the select committee dealing with the fourth and fifth Camp reports was presented to the House on June 22 last, I am thankful to the House leaders that a debate on its contents has been arranged before the House prorogues. I'm also pleased that the government House leader has given the committee the assurance that the government will undertake to implement the agreed-upon provisions during the next session of the Legislature. I would also like to add my thanks to that of the minister's to the clerk and his staff and to Mr. Mackenzie who, I understand, had a good night's work last night in order that it would be on the order paper today so that we could have this debate. I add my thanks to those expressed by the minister.

I can appreciate the fact that the various caucuses, the House leaders and the government have been unable to accept all the recommendations, some 131 in number, because of their very nature and the members' legitimate differences of opinion. But I'm pleased that for the time being at least a great many of the recommendations have been accepted outright and others with slight modifications. I would remind the hon. members and others who may be reading this report that in assessing the various recommendations, they should always keep in mind the terms of reference given the Camp commission which were, in turn, in effect, passed on to the committee, namely to study the function of the Legislative Assembly with a view to making such recommendations as the commission deems advisable with respect thereto, with particular reference to the role of the private members and how their participation in the process of government may be enlarged, including the services, facilities and benefits provided to the members of the assembly.

[7:30]

The central theme throughout the Camp commission reports was how best to improve the legislative process and at the same time enhance the role of the back-bencher in the parliamentary process so that he may better carry out his responsibilities. We members of the select committee charged with this responsibility kept this theme foremost in our deliberations. Therefore, if some readers of this report are of the opinion that our recommendations are a little radical, and even too generous in some cases, we hope they will understand that we were endeavouring to follow closely our commitment and we were recommending not just for the present but also for the future.

It has been my privilege to view and participate in the proceedings of this Legislature for some 28 years. During that time I have seen many changes. The world in which we are living is a world of rapid change; and parliaments, if they are to survive, must change with the times. Parliaments everywhere are having difficulty responding rapidly enough to the world in which we live. Parliament must become much more responsive than it is today in order to give people more confidence in its existence and in its decision-making.

As I have mentioned, the select committee has looked at the legislative process as a whole, including the private members, with the goal of improving the efficiency of both the House and the back-bencher. Our recommendations for more research assistants, more adequate physical facilities, more private members' time and so on, are in keeping with the purpose for which the Camp commission was established some three years ago. Many of our recommendations are interrelated and interdependent, which was pointed out to the House leaders and the whips of all parties in the discussions prior to the agreement on the accepted format for today's debate. For example, when Wed-

nesday sittings were not agreed to, then one could not justify three adjournment debates each week, or much more time for private members' bills and resolutions.

We bring these recommendations to the House, believing that they will improve our legislative proceedings, which must keep changing with the times and with our ever-increasing responsibilities and, at the same time, to give the parliamentary back-bencher the tools and the expertise to participate and to play a more meaningful role in meeting the responsibilities for which the electorate sends him to the Legislature and to represent them in all its deliberations.

In closing, I would just like to inform the House that the committee has covered, with few exceptions, every chapter and verse of the fourth and fifth reports of Camp, and that the committee will be presenting a final report to the Clerk of the House in the new year in order that a debate may be scheduled during the 1977 session of Parliament.

Mr. Cassidy: Mr. Speaker, I'd like to join with the chairman of our committee in welcoming the material on the order paper and the response of the government to the recommendations of the select committee on the Camp commission reports.

I've had a dual role in this because, along with the member for Ottawa West and the member for St. George, we sat in with the House leaders and the whips in a small committee which, as the House leader has said, negotiated line by line and piece by piece over recommendations which we of the committee had laboured over a number of months before. It was interesting, and at times difficult, to see our labour of love being transmuted in the political fires.

However, I have to say with pleasure that the government negotiated with very good faith on the proposals, and that it's quite amazing if you look at the degree to which the recommendations of the committee were adopted. By our count—the NDP's count is a bit different from the government's; it always is—there were 131 specific recommendations that were made in the report; and all of those, with the exception of about half a dozen, have either been accepted or accepted with modifications by the government during the course of negotiations. I would say in other words that the spirit of the recommendations has been honoured, and the integrity of the report has been honoured with great flexibility, on the part of the House leader.

I think that among other things this is a guarantee that the kinds of difficulties we had in the running of this House between 1971 and 1975 will never happen again so long as rules like these that are being adopted today are maintained in force within the province.

Of course they are being maintained as an experiment at this time. We'll have to see how they work. There will inevitably be some desire to some need to change the recommendations being adopted now. I would hope, though, that the words of a recommendation before the House that these procedures shall take precedence during the fourth session of the 30th Parliament could over the coming months be expunged.

We may face an election during 1977. I think it would be very healthy if the new government, whether it's majority or minority and whichever party is in power, were to come to power with these rules on the books. Then if it had a majority and wished to change them that would be its responsibility. But I don't think we should be in a position where we go back to the old rules when the next Legislature comes back after the election.

There are several areas which are areas of disagreement or areas where the government did not go along. The major area I want to talk about is research assistance. I'll come to that later. The committee recommended that opposition critics travel with ministers. That may have been idealistic; it was not accepted. However, I understand that there may be a possibility of making some arrangements in the future to at least permit opposition members more freedom to travel than they have at present. Outside Ontario, opposition members have to do that kind of travel on their own pocketbook even if they're making study tours in order to look into areas of expertise.

We recommended that committee hearings be held back when a critic was unable to attend as now they're held back when a minister is unable to attend. I think there was general agreement that the courtesy should apply to critics as well as to ministers, and that both ministers and critics should give the estimates very high priority. In other words, when estimates are being held, no member who is involved should be able to plead some excuse in order to be absent.

We recommended a full day for non-confidence motions; we're going to experiment with a half day and the government wasn't prepared to accept the committee's recommendation on that particular point.

The recommendation that ministerial statements be followed by a reply from the oppo-

sition, as is the case in Ottawa, was not accepted by the government. I'm sorry it was not accepted. We will have to see whether the lengthening of the question period will permit effective rebuttal by the opposition at the time when the public and the media are watching ministerial statements. May I say, particularly after today's experience, that I'm rather sorry we didn't put in a limit of maybe four or five minutes on ministerial statements to prevent the lengthy use of House time which we see from time to time, particularly at the beginning and end of sessions.

Our recommendation for a proposed procedure for private members' bills, which included the vote on all private members' bills, was rejected by the government. However, I think the rejection was done in a very positive spirit, and although I class this as one of the four or five noes, I think that what we have now is going to be extraordinarily interesting and quite positive. I can foresee the day in six months' time—

Mr. Deans: Innovative.

Mr. Cassidy: Innovative. Certainly if you compare it with the procedure in Ottawa where one member could talk a bill out, or in Westminster, where I understand that one anonymous member by saying "nay" can vote a bill down, the Ontario House is probably moving to the forefront of any parliamentary Legislature in the degree of importance it's giving to private members' bills.

Hon. Mr. Welch: Maybe the others will follow the model.

Mr. Cassidy: Maybe. But the fact that you will have to get 42 members by petition to prevent a vote on a bill, or that 20 members will have to rush into the House at five to six on a private members' day in order to prevent a vote, could lead to some dramatic races at five to six on Thursday afternoons. It certainly will ensure that if the government or some other party—

Mr. Shore: Or to a public accounts meeting.

Mr. Cassidy: —that's right—wishes to avoid a vote on a private member's bill they will clearly be seen as taking that responsibility. I think that's very healthy.

I have to say that I think everybody in the House is wrong in rejecting Wednesday sittings. However, I also have to admit that that is perhaps a minority view. The government decision to veto that recommendation of the committee, which the member for Sudbury East was also very strongly in favour of, is unfortunate but one of the facts of political life. There's certainly no question that there were divisions within caucuses and not just between caucuses as to whether or not it would be desirable for the House to sit on Wednesdays. I think the point's been made by some out-of-town members that the load has increased so much just in the last two or three years that that Wednesday free to do desk work has become more of an advantage than of a disadvantage, as it used to be in the past when we sat on our thumbs while the government cabinet ministers met.

I mentioned my concern about the fact that these recommendations are only for one session. I hope they will be made more permanent.

I want to turn to the question of research assistance. The government does not really support this recommendation at this time. Following on from what the member for Ottawa West had to say, I just recall that the purpose of the Camp commission recommendations and of our select committees was to enhance the role of the back-bencher. Our report said:

"Given the size and the complexity of the Ontario government today, which will only increase in future, it is irresponsible not to ensure that legislation and expenditures receive the careful scrutiny that was originally expected of members. Unfortunately, to date the expansion of government has not been accompanied by a strengthening of the legislative process to provide that scrutiny."

Many of the recommendations, such as the power to refer matters out to standing committee, the extension of the question period and other things that have embodied in the recommendations accepted by the government will strengthen the role of the private members and of the back-benchers. However, it's still going to be difficult for the MPPs to do the job that's expected of them. In the chapter on research assistance on page 33 of our report we said again: "The primary concern of the reports of the commission and this committee is to enhance the role of the private members. At present, with the research assistance provided, it is impossible for members to effectively scrutinize government expenditures in legislation, defended by a minister with the assistance of his entire ministry. Also, it is becoming ever more important, and correspondingly more difficult, for members to develop expertise in their areas of responsibility or particular interest."

Consider the situation of the opposition because it's the opposition, I maintain, who

particularly needs this research assistance. We're up against a minister who normally has an executive assistant, a special assistant, the services of a speech writer, perhaps a couple of secretaries and the resources of his department, which can in many cases mean hundreds of high-level policy and research-type people. If you consider the size of the government, whose budget is $12 billion and rising very fast, despite all of the Treasurer's efforts, there are areas within individual ministries which, by themselves, could justify the work of an entire research department or at least of a full-time researcher.

For example, I have an interest in mental retardation, a small part of the work of the Ministry of Community and Social Services. Yet that's a programme with a number of large institutions across the province, it's a programme that desperately requires public scrutiny, it's a programme that involves more than $100 million in public funds. It gets almost no attention in this House.

When the Ombudsman's office was established, they took unto themselves the task of looking at the jails that are run by the province of Ontario. I don't know how many people they put on to that particular job. I think there's no question that they've had a very positive and searching impact on those institutions. That is another example where I think that this House has not been doing its job. I would suggest one of the reasons is the lack of research resources in the hands of the members of this House of all parties.

The oversight and scrutiny of the Legislature is vitally important to the work of democracy in this province, no matter who the critic is, no matter what the responsibility and no matter who is the government. Most of that oversight does come from the opposition but consider what happens with the 50 or 60 hours we have to work a week—that was the estimate of the Hickling-Johnston report.

I tried to break it down just for the record. You spend maybe 15 hours a week in question period, in a committee or in the House on estimates or on legislation; a dozen hours a week in riding work, riding phone calls, party organization and that kind of thing; four or five or six hours on a Saturday or on the weekend and an hour or so a day for the rest of the week—and that's the minimum—and five hours in caucus and caucus committees.

[7:45]

Every party has a caucus. I think the Liberal and NDP caucuses both meet for three or three and a half hours a week, and there is other work connected with the caucuses. There are also half a dozen hours for each out-of-town member in travel to and from his riding; five hours or so in answering calls at the Legislature, dealing with the press and so on; five hours or so in studying bills, estimates and just trying to read some of the flow of material which comes over our desks; and five hours a week in correspondence, preparation of speeches and preparation of press releases.

Out of 60 hours, that leaves seven hours. I can tell you and the House, Mr. Speaker, that as everybody knows, those seven hours are hypothetical; they normally just aren't there. That's why we have such difficulty in doing our job of legislative oversight. This is why I would maintain that the recommendations for research assistants for members of the House should be adopted at a very early date. To put it into the caucuses, or to put it into the library, would not be as beneficial to the work of the House as putting it in the hands of individual members.

I don't think that now is the time to confront the government on this particular issue. I think our committee will come back with a similar recommendation in its final report and we maybe can isolate the question of research assistants from the rules. The rules are where we're making major reforms now. We'll come to the question of research in another three months, and I hope that maybe the government can take a more positive stand at that time.

I have discussed with the House leader one minor amendment which would permit 20 members of the House to ensure that a committee report was put on the order paper for consideration even if that had not been moved by the chairman of the committee. I think there is agreement on it. I will read it and move it and then we can dispose of it in the normal way.

I would move that clause 6 be amended by adding at the end, "as shall any report for which consideration is requested in a petition of 20 members filed with the clerk."

In closing, after making that motion I would again like to thank the government, the House leader and all parties, I would say, for the very constructive attitude that they have taken towards these proposals of the select committee. I think that the rule changes are positive and will have a very beneficial effect in the House.

Mrs. Campbell: Mr. Speaker, I too would like to express my appreciation to the govern-

ment and indeed to all members who worked, I believe, so effectively to bring forward this package for our consideration. I am sorry that we weren't able to get at it a little sooner, because it leaves it in a somewhat incomplete form as it is here now.

I just want to speak briefly on the matter of the committee structure as proposed in the recommendations. Again, we struck the note of the committees in order to give to the back-benchers the kind of thrust and importance that they ought to have as legislators. You know, sir, that we suggested and proposed committees dealing much as they are now in the social development field and the other policy fields. But we have added some committees which, in my view, can assist the House in obtaining information, for example, in reviewing not just regulations, which I believe has been somewhat of a farce in the past here, but adding to the regulations committee the study of other statutory instruments as is done in Ottawa.

As you may know, Mr. Speaker, the committee in Ottawa does review such matters, in some detail. For example, when I was there we discussed with them what they would be doing about the agreements flowing from the AIB legislation. They were studying those agreements from the point of view of the federal government, obviously. In retrospect, it might have been helpful if we'd had such a committee studying our agreement from our point of view. We believe that this kind of operation will be useful to the House and to the procedures in the House.

You will note, Mr. Speaker, that we have recommended a management and members' services committee which would have an ongoing function, so that again we would not be faced with this rather large review of the whole procedures of the House after a period of years, but rather that we could move to recognize change, as our chairman has said, as it occurs to make us more flexible in our approach.

I do want just briefly to say that some of the members have expressed concern to me about the recommendation that the membership in this House should be increased. You will recall, Mr. Speaker, that the Camp commission recommended quite a substantial increase and this committee did not see the need to go that far. But if you look at the committee structure which we have proposed, you will note that we need to have this kind of membership to ensure that each member will have one committee, so far as it is possible after an election where the changing population may take place.

As I say, I am somewhat sorry that we could not at least have completed the matter of the committee for this report. But you will note in the recommendations, Mr. Speaker, that there is the proposal that a committee be struck, somewhat of the nature of the committee which worked on the negotiations, to bring in the details of the committee structures for the next session.

Since on this side of the House we are dividing our chores, I will not proceed further.

Mr. Eaton: As one of those who joined this committee rather late in the proceedings on this part of the report, I must say that I find the recommendations that have been brought in here tonight in this resolution much more acceptable than a number of things that I signed in the report that we put forth. I know that we had considerable debate at times over how we would wind up with agreement on some of the sections of this and I think we did pretty well in agreeing as much as we did. I do want to comment on one particular item though, that hasn't apparently been covered yet and resolved. It is still to be done. That is in regard to the recording of the committees.

It was indicated that we felt that official Hansard should record all committee proceedings. Several reasons were outlined—among them to prevent repetition in the House of some of the things that went on in committee. I think we know full well that that won't happen; things will still be repeated when we come back to the House.

I expressed some concern about the amount of money that would be spent on recording all committees, because I think the committees are a free exchange—an opportunity for people to throw in their ideas and kick them around, not to see that it is taken down and recorded and all this. But, however, they do point out that there may be times when they do want some reference material.

I have some information on the cost of producing Hansard; it works out to about $900 an hour. And with the increase in the committees that we are going to see because of the structure of the committees that has been proposed—which I fully agree with—because of that increased time it is going to be a great expense that I don't think we really need to go to. I simply point out that we can record them electronically and keep the recordings for approximately $20 an hour in comparison to that $900 an hour that it would take to record, put them in print and publish them. I would suggest that the com-

mittee that's working together goes a little further and gives serious consideration to taking that sort of step in the recording of committees.

I would just like to comment quickly on the private members' hour. I think the changes to our report that were suggested are very valid. The opportunity is given for members to have much more chance of having something that they are proposing come forth and be accepted and have it recognized that it's accepted. So many times suggestions are put forth by members in the way of private bills and then they appear later as government legislation and very little credit is given to the individual who initiates it. I think this gives that opportunity to the private members to have some of the programmes they support brought forward and given credit.

On the whole I fully accept what the House leaders and the members of our committee who did the negotiating have put together here. I conclude by saying only one thing, that many of the proposals that are there will work only if the co-operation of the members is put forth to make them work. Also I think that a little added to that would be the behaviour of the members in the House to see that it functions much better.

Mr. Gaunt: I just want to take a few moments. We have another member who would like to make a few brief comments and, since the time is very limited, I just want to put a few remarks on the record at this time as a member of the committee. First of all, I want to pay tribute to the chairman of our committee. Our committee tended to be a totally unruly group at times.

Mr. B. Newman: It wasn't the chairman's fault.

Mr. Gaunt: He was successful in eventually pulling us back into the line and giving a little focus to the committee again. So I do pay tribute to him. I also want to mention the good work of Cathy Paterson. Cathy was the staff to our committee and did an excellent job as well.

I think this is a major and significant overhaul of the rules of the House. The member for Ottawa West indicated that in his view these changes would make for a more effective operation here. I would certainly subscribe to that. These rule changes reflect the need for improvements and increased efficiency, in the light of the greater volume of government business, the greatly expanding level of expenditure in the province and the flood of constituency problems which beset all members and which have to be attended to.

In the limited time, I just want to talk about the matters of supply, Management Board orders and special warrants. I certainly consider the matter of supply to be one of utmost importance. We're spending approximately $12 billion in this province and based on the Provincial Auditor's recent report, there's really no planned programme budgeting. I think, at best, in some instances the government handling of this is rather sloppy.

Mr. Reid: It's done purposely that way.

Mr. Gaunt: The consideration of estimates spending therefore is of vital consideration, in my view.

[8:00]

In the current session of Parliament, we had 17 estimates referred to committee and we allowed 10 hours for each estimate; that meant that there were 170 hours used up in committee out of a total of 225 hours, which meant that we had 55 hours in the House for consideration of estimates of such ministries as Education, Health, Community and Social Services, Treasury, Economics and Intergovernmental Affairs—very major government departments in the province, and yet we only had 55 hours for consideration of those estimates.

The procedure that has been adopted is to set a global figure of 15 hours per estimate so that we arrive at 420 hours for total consideration; and that when the estimates are being considered in committee and in the House, the hours in both places are then deducted from the global figure. I think that's a sensible approach and will provide more time for consideration of estimates.

It seems to me that 15 hours is a reasonable limit. I think there are many estimates that certainly won't take up that amount of time, and the allocation that isn't used on some can be put towards other estimates for their consideration. I think the government is to be congratulated on accepting this proposal, which I feel will assist in the consideration of the estimates and the spending programme of the government.

In so far as the Management Board orders and special warrants are concerned, the Auditor had something to say about that. In the fiscal year 1975-76 there was $289,905.005 expended via Management Board orders. That's a huge amount. I think the recommendation of the committee is a good one in which the committee recommends that

the Management Board orders which would be utilized as appropriate throughout the year be tabled as a supplement or appendix to Ontario Finances, the Treasurer's quarterly report.

Mr. Reid: They should get legislative approval for them; that's what they should do.

Hon. Mr. Welch: When would we do that?

Mr. Reid: When the session starts again.

Mr. Gaunt: The government has accepted that, and I hope the government will use this procedure in a judicious way and not use it in the fashion which I think it has tended to use it in the past. They have granted amounts ranging all the way from $15,000 to $57 million by way of Management Board orders without the consideration of this House. I think it shouldn't be that loose; I think the procedure which has been recommended, and which has been adopted by the government, will tend to focus some attention on that and hopefully will reduce the government's dependency on Management Board orders.

I think the same applies to special warrants. I would hope that the government would see fit to see these avenues as ways of approving expenditures as less desirable and do it through the normal process of consideration of the expenditures.

In summary, I just want to congratulate the government for being so pliable and so flexible in the consideration of these rule changes.

Mr. Reid: It's certainly a new role for them.

Mr. Roy: Minority government helps.

Mr. Gaunt: I want to congratulate the committee. I think its recommendations are a very good step forward and will enhance the operation of the Legislature as well as the role of the private member as a backbencher in the system; for that, I certainly applaud all of those people who had a role in it. I must say when I see that the government spent a full 13 per cent of its budget in the month of March, which is the last month of the fiscal year, I had the feeling that we all should have a bigger part to play in the spending role of the government—how it spends its money, and when.

Mr. Ruston: I will be very brief.

I want to tie in my remarks with my position as chairman of the regulations committee. As many of the members are aware, the power of that committee has been very limited in the last number of years. We had a number of meetings, but we found that we didn't have very much power to do anything to really check the regulations.

We then got information from one of the other provinces—I think it was Manitoba—as well as from the House of Commons. The clerks from both those jurisdictions sent us back considerable information as to how they operate. But I see the recommendation that is made here is to have a regulations and statutory instruments committee and the Act broadened to give that committee power to have at least some legal staff at certain times of the year to assist it.

I think this is one way to solve this problem, because we must remember that the number of regulations passed each year is massive. In effect the governing really is done by regulation. It is something that the public should be aware of and that we as legislators should be aware of. So I strongly recommend that that committee be broadened and given more power to look into regulations.

Mr. Reid: I will be very brief; I know we have other matters to get to.

One of the first select committees that I had the pleasure of serving on some seven or eight years ago was the select committee dealing with the rules and procedures of the House. It is interesting that we are here tonight to again deal with updating the rules and procedures of the House. It is also interesting that under present circumstances the government seems a great deal more pliable now than it was seven or eight years ago.

I want to speak specifically about only two matters; one is item 34 in the government notice of motion in regard to Management Board orders. Now my colleague has just spoken concerning this. This has been a recommendation of the public accounts committee, formerly under the chairmanship of my colleague from Kitchener and then with myself as chairman in the last year and a half. That was one of our recommendations—

Mr. Roy: Very capable member. Very capable.

Mr. Reid: —that the Management Board orders and special warrants be brought to this House for approval. Because one of our responsibilities here as legislators is to bring to account the government for the actions and for the money that it has expended, supposedly for the benefit of the public.

The auditor pointed out in his report tabled yesterday or the day before the fantastic amount of money that is being spent under Management Board orders, where the government, and the cabinet particularly, sit around, decide that they are going to either expand a programme, bring in a new one, do whatever they wish, and that money is spent without any recourse to the Legislature and without any possibility of the members of this House being able to question the government as to why the money was spent, whether it was properly spent and, in fact, whether it was to the general benefit of the people of the province of Ontario.

I appreciate and realize the kind of compromises that went into bringing this report into the House and in formulating the rules that were finally arrived at. But I say to you, Mr. Speaker, that I think one of the weaknesses is the fact that still the government, whichever party it is, is not being made to be responsible to the members of this Legislature, accountable to the members and, through the House, to the public for this money that they spent.

We realize in the estimates that we don't always have the opportunity to ensure that the money was properly and efficiently spent. But we have this other murky area: the government, at its own will, without recourse to the Legislature, without any accountability, has the power to spend over $200 million, I believe, in the last year under Management Board orders, not even considering special warrants. When this situation exists, the government has a responsibility to provide that accountability. They should see it as their responsibility to bring Management Board orders before the House and special warrants for the approval of the House. They bring supplementary estimates in and these are moneys they are spending over and above what was approved by the Legislature. To be consistent they should also bring the Management Board orders and special warrants before the House.

I have one more thing to say. That is, that I have read carefully the Hickling-Johnston report that was asked for, I believe, by the select committee.

Mr. Morrow: That's our next report.

Mr. Reid: All right. But I want to give the chairman notice that I understand it cost the public of the province somewhere around $11,000. If we paid that kind of money, we are being ripped off to an extent that is unbelievable. Any member here, almost anyone in this building, could sit down in an office for half an hour and come up with that kind of report. I think that the committee has an obligation, and I'm writing the chairman to this effect, to ask for a breakdown of the time that was spent on that report. I think it's a disgrace and I think that it's time that we looked at those kinds of expenditures by government.

Mr. Deans: I hadn't intended to speak in this debate, but the comments that have been made prompted me to my feet. I wanted, at the outset—

Mr. Mancini: You said that a dozen times already in the last year.

Mr. Deans: That's fine, but I thought we had an understanding we'd finish at 8 o'clock. The comments that I wanted to make are simple and, I hope, to the point. First of all, I want to pay recognition to my colleague from Sudbury East (Mr. Martel) who I know would have been very eager to be here tonight to make his own comment with regard to the report that he laboured over so diligently. In fact, I suspect the very reason that he's not here may have something to do with the amount of sacrifice that he made in trying to reach some conclusions about the affairs of the members of the Legislature. I'm looking forward to his early return.

I want to say that the work we undertook, as the committee that sat down to negotiate the final draft that you have before you, was made simple by the concise and easily understood way that the original committee under Chairman Morrow conducted its work. The report made by the committee studying Camp was so well written and the recommendations so much to the point, as far as the way the Legislature operates, that I think when the House leaders, whips and the party representatives sat down to come up with a satisfactory form in which to place them, the job had been done almost totally on our behalf by that committee.

The rules that we have before us, though, won't work unless we want to make them work. I don't really care what rules you have—if you're not going to work by the rules then the rules won't work. These rules provide us with any number of good opportunities to embark on new ways of doing things in the Ontario Legislature which should bring it into the more modern times. I suspect by virtue of the passage of these rules of procedure that we will be, if not the most modern, certainly one of the most modern Legislatures in the world in terms of the way we deal, not only with government business, but with the business of the private

member. I think the Legislature will be measured in terms of its worth by the way we have written the rules to accommodate the rights of the private member to proceed with the implementation of legislation or proposals that he or she may feel would be worthwhile for the citizenry of the province of Ontario.

[8:15]

I want to thank the House leader for the third party and the government House leader for the tremendous co-operation that I got and that we had in general during the discussions, to thank the staff of the House leader's office and the staff of the Liberal House leader's office for the work that they did on the legislation and to thank my own assistant for the work that she did. I want also to say that if we set our mind to it we can make the Legislature much more relevant and the rules themselves should never come into question as long as we treat each other with respect while we're dealing with the matters before us.

Mr. B. Newman: I don't intend to be long at all, but because item 36 does make mention of the procedural affairs committee, I thought I should make a comment. It always struck me very strange that the procedural affairs committee would be sitting only during the early stages of the Legislature and not accept bills that may come beyond the given deadline. I think the committee's recommendation is right, that as long as the advertising has been met with, the bill should be presented to the procedural affairs committee, so that debate could carry on in the House at an extended period of time, rather than during the early sessions only.

I also would like to make a recommendation or a suggestion to facilitate the finding of the debates in the House for all members as well as for the public. Any time an item, a bill or an estimate debate continues in more than one Hansard, in that second Hansard there should be right at the beginning, "continued from," and the date indicated as to when that item, that bill or that estimate was discussed, so that once we picked up a Hansard, say, No. 45 of a given date, right at the beginning we could see that this item was continued from the debate that was listed in Hansard No. 43 or on a given date. It would facilitate reference for all of us as members as well as for the public.

The other item I've raised time and time again and the committee did not care to include it as one of its recommendations, that is, that we should get into the 20th century by having electronic voting in the House, rather than the time-consuming method of standing up and bowing to the Speaker and then having a count by the Clerk of the House and his assistants.

Mr. Reid: He uses a computer.

Mr. B. Newman: This would facilitate things. This is done in other Legislatures and I can't see why we couldn't adopt it. The last comment that I wish to make is that, rather than quibble over whether the time is used up for the question period, we could have a four-faced clock indicating the one hour on the Speaker's table. Then when the question period starts, that clock starts, and when the one hour is over with, the alarm goes off and the question period is over.

Mr. Breithaupt: I only wanted to enter this discussion of the rules to thank the persons who have worked particularly hard in preparing the order paper for today and the series of rules that are before the House. As members are aware, there were some 131 separate recommendations made by the committee, chaired by the hon. member for Ottawa West. Discussions over these items have gone on for several weeks. Yesterday morning, starting at 8:30 and going into the afternoon —perhaps around the 3 o'clock mark—there were a number of people who met in order to attempt to resolve the various differences and come up with a set of rules that this House could attempt to use for the upcoming session. In addition to the three House leaders, the three party whips and representatives from each of the caucuses, namely the member for Ottawa West, the member for Ottawa Centre and the member for St. George, there were three particular people who were involved, and who have been involved over the past several weeks, in the preparation of a grid of agreements or lack of agreements that has allowed us to come to the stage at which we are at the moment.

They are, of course, Mr. James MacKenzie, who is the assistant to the government House Leader, Avril Mitchell, the assistant to the House leader for the New Democratic Party, and Mr. David MacDonald, who is my assistant. Particularly realizing that these three were involved, and that indeed Mr. MacKenzie was here until nine or 10 o'clock last night, I think, in the drafting of these various items, we should give credit to them for the work they have done.

Many discussions and reviews of the work of this select committee have taken place, and I hope it's not the lateness of the hour, or the fact that this debate was begun perhaps during what otherwise would have been a supper break, that would lead us in any way to denigrate the importance of the acceptance of a new series of rules in this House which we all wish to be successful. The member for Wentworth has mentioned earlier on that the rules will not work unless we are all of a mind to make them work. He has also mentioned that we go into this whole procedure with the best interests of adopting what we hope will be the most modern set of rules that we are able to develop intelligently.

In a minority House, of course, these rules may work somewhat differently than they would work in the traditional majority situation in which many Legislatures find themselves, but I'm certain, as we go into the next session with the goodwill necessary to attempt to make these rules work, we will be well benefited from the kind of co-operation that has developed them in the first place.

The House leaders, and certainly the whips and the other members who have been involved, will be meeting again in the New Year to attempt to deal with any of the details required to put these into formal rules into a proper, balanced document. We need the support and involvement of the other members of the House, of course, because there are going to be many changes that members may not be familiar with for some time.

I am sure that, with guidance from the Chair and from the Clerk's office, we're going to be successful in developing these rules, and I hope the members will attempt to use them so that the Legislature will indeed be a place that deals not only efficiently and satisfactorily with the public business but also with the private member's business.

Hon. Mr. Welch: Mr. Speaker, in addition to the amendment that has been moved by the member for Ottawa Centre, I would like to propose some amendments here.

Mr. Deputy Speaker: Mr. Welch moves, seconded by Mr. Deans, that clause 20 be amended by inserting in the first line, between the words "that" and "amendments," the words "wherever possible."

Mr. Welch moves, seconded by Mr. Breithaupt, that clause 21 be amended by inserting in the last line, between the words "other" and "committee," the word "standing."

Mr. Welch moves, seconded by Mr. Deans, that clause 26 be struck out and the following substituted therefor:

"26. A minimum of eight sitting days shall be allocated to the debate on the budget motion, four of which shall be consecutive in the week following introduction of the budget; the first of the eight days shall be for the Treasurer's budget statement, the second and third days shall be consecutive and for the opposition critics, and the fourth and fifth days shall be consecutive and for other private members."

Mr. Welch moves, seconded by Mr. Breithaupt, that clause 32 be amended in the first line by deleting the word "briefings" and substituting the words "briefing material."

Mr. Welch moves, seconded by Mr. Deans, that clause 35 be amended in the last line by deleting the words "two and one-half hours" and substituting the words "one sitting."

Mr. Welch moves, seconded by Mr. Breithaupt, that clause 42 be amended by striking out the word "ministries" and inserting in lieu thereof the word "ministers."

Mr. Cassidy moved previously that clause 6 be amended by adding at the end, "as shall any report for which consideration is requested in a petition of 20 members filed with the Clerk."

Motion, as amended, agreed to.

Hon. Mr. Welch: Mr. Speaker, I wonder if I might have unanimous consent to revert to motions?

Agreed.

MOTIONS

Hon. Mr. Welch moved that the following substitutions be made on the standing public accounts committee: Mr. Deans for Mr. Ziemba; Mr. Makarchuk for Mr. Ferrier; Mr. Davidson (Cambridge) for Mr. Mackenzie.

Motion agreed to.

Hon. Mr. Welch moved that the terms of reference of the select committee appointed on July 15, 1976, to review from time to time the reports of the Ombudsman as they become available, be amended to give the committee authority to formulate from time to time, as the committee deems necessary, pursuant to section 16, subsection 1, of The Ombudsman Act, 1975, general rules for the guidance of the Ombudsman in the exercise of his functions under The Ombudsman Act.

Motion agreed to.

ANSWERS TO WRITTEN QUESTIONS

Hon. Mr. Welch tabled the answers to questions 182, 190 and 193 standing on the notice paper. (See Appendix A.)

Mr. Riddell: What about 191?

Hon. Mr. Welch: Well, we're doing well. You must admit we're doing well.

BUDGET DEBATE
(concluded)

Resumption of the adjourned debate on the amendment to the amendment to the motion that this House approves in general the budgetary policy of the government.

Mr. S. Smith: Mr. Speaker, I am very pleased to rise at this time to speak on the last evening of this session. I think you can well appreciate, sir, that this, having been for me the first full session, certainly as leader of the party—

Hon. Mr. Henderson: And the last.

Mr. S. Smith: It's been a very interesting—

Interjections.

Mr. Nixon: Go back to sleep, Lorne.

Mr. Deputy Speaker: To get this debate off on an even keel maybe all members, including the member for Lambton, might be a little more charitable.

Mr. Ruston: He's charitable when he's got the pork barrel out.

Interjections.

Mr. S. Smith: And I wanted, Mr. Speaker—if I can possibly manage to do so—I wanted to thank members of all parties for the assistance that on a personal basis they have from time to time offered me. It is appreciated.

We've had political differences. We shall continue to have and that is the democratic system. But on a personal basis, I want to say that in their own way various members in all parties have made me feel welcome and have been very decent and reasonable in their relationships with me. I just want to say thank you at this time of year and hope that I can make my contribution as a party leader and as an elected representative of the people in a way that, perhaps, allows me to pass on to other new members as time goes by the same kind courtesies that have been extended me.

I want to talk this evening about Ontario's role in this great country of ours. I must tell you, Mr. Speaker, that since the events in Quebec, since the election of an avowed separatist government in the province of Quebec, I have had rather a heavy heart. I'm not a person given to being a crepe hanger or a pessimist. I tend to think that people are basically good people. People, generally speaking, make decisions that are in everyone's best interests. But I am fundamentally very worried and part of this, I know, may go back to my origins in that province, our sister province to the east. Even though a lot of time has passed since then, I'm very worried about the crisis in the unity of our nation which is upon us now.

[8:30]

I must tell you, Mr. Speaker, that I'm not prepared just to go on as though it's business as usual. I'm not prepared to take the point of view that all this is for the best and everything is going on in the best of all possible worlds. I must tell you I feel sick about what's happening and I very much am worried that my country and your country may be torn apart. It's a very real possibility and it's one that makes me very sick at heart. I know people criticize the Toronto Star, for instance, because of the reaction it had with a lot of front-page editorializing and so on. Whether or not the contents of their editorials were 100 per cent accurate or agreeable, at least they sensed that there was a problem.

I must say I think there's a problem. You and I know and all members of this House know that the vote in Quebec was not a vote for separation. We all know that. We know it was a vote for what seems to be an able and charming man, a good leader, over a government that was widely thought among the people to be a very weak government that was out of touch with people. We recognize that government was overturned in a way that is not difficult to understand. But that's not the point. It's not the point that originally when the vote was cast it was not intended as a separatist vote. The real problem is what is going to happen now. In the present situation, I ask members to reflect with me.

The Premier of Quebec, Mr. Levesque, is surrounded by people of varying quality, but quite a number of excellent people and quite a number of very capable people. Every one of them is totally dedicated to breaking up my country and your country. Make no mistake about it. There is no one in that group who is shilly-shallying on that. This is a total

dedication which these people have. They are going to be given the prestige of government and the prestige of office. They are going to have available the opportunity to create confrontations as they may so desire, to utilize the civil service to do studies and so on and release various reports in a manner favourable to separation.

They can time the referendum to suit their own purpose. I ask members to reflect for a moment on what would have happened if the referendum had come during the civil aviation crisis that we have had and which has threatened to rear its head again. This is going to be a fight, Mr. Speaker and members of the Legislature, for the hearts and minds of Quebeckers.

There is no point in negotiating with Mr. Levesque. He is a man dedicated to destroying our country. I think his strategy is not hard to discern. He will go among us here in English Canada. He will go among us and will say: "Forget about Quebec, forget the expense and the nuisance of trying to accommodate two official languages in one country." He will say, "It hasn't worked in 15 years. Why keep at it? Why bother," he will say, "with bilingual cereal boxes? Why bother with French television in places where perhaps there are very few if any French-speaking people?" He will say: "Why not give it up? Why not forget about it? You be English, be happy and be proud of it. We'll be French, we'll be happy and proud of it. And we can all be good friends. We can have a customs union," and so on and so forth. That's what he's going to say.

If he gets a good response, if people here agree that we don't need or want French, he'll take that message home to Quebec and he'll say: "You see, they don't really want you. Why don't you recognize that you're never going to be first class in Canada? Why don't you accept that your only hope is to be first class here in Quebec? Grow up, accept your mature obligations and separate into a separate country." That's what he's going to say to people. We know that's his strategy.

Our job as political leaders—and it's a job which every one of us sitting in this Legislature has today—is to go among our people to appeal to that generosity of spirit that marks Ontario. We must appeal to that group of people who have a deep and abiding belief in a united Canada.

No one in this country has a greater belief in Canada than the people of Ontario. Ontarians in fact, generally speaking, are the first to identify themselves as Canadians first and Ontarians second; in some regions of the country it is not always that way. But every one of us in this room is fundamentally dedicated to Canada as a united country. We have therefore to reject Mr. Levesque and his narrow ethnic nationalism.

Our people must understand why it is that you might have French television in some city that doesn't have many francophones. The reason is that if Franco-Canadians from Quebec or elsewhere move to Regina or Edmonton or Thunder Bay or Windsor or London, they can feel comfortable; they don't have to feel they, their kids and their wives will lose touch with the French language and culture. It will be available.

It takes a certain generosity of spirit to accept that but we have that in Ontario. We, as leaders, must go home to our ridings, we must speak in our churches and our places of recreation and among our friends, in our clubs, at any parties we attend, and we must speak of these matters. We must take the high road. We must tell people what it is that motivates us to be part of a united Canada and why we have to accept things that may otherwise seem like a nuisance or an unnecessary expense.

I have young children, as many members in this House do, and I want to raise my children in a uniquely Canadian environment —in a country that is united from sea to sea. I don't want to have to raise them in a country where the Maritimes are split off like some form of East Pakistan. We have to keep this country together. I want them to appreciate and accept from an early age diversity among humans, differences among humans in cultural and language aspects. I want there to be that tolerance, that human acceptance that is uniquely Canadian in a world which is shrinking, where every year it gets smaller and smaller from a linguistic point of view and a cultural point of view. It is an advantage to have a country with two official languages. It is not a nuisance. We must see it that way and preach it that way.

I sometimes wonder if Divine Providence should look down on this great nation and think: "I've given that small group of people such a huge land with such diversity of landscapes and seasons and wealth and natural resources. Are they to squabble over it like two children squabble over the inheritance, and eventually squander it and ruin it and have nothing left to show for it?" Do we have to follow the example of places like Northern Ireland? Do we have to follow that narrow, ethnic nationalism when we are the most bountiful nation on earth and we have been blessed with peace on our land?

It is absolutely unthinkable that we should have come to this point. We have to show up Mr. Levesque's narrow nationalism for what it is. It is a meanness of spirit. It is not a breadth of spirit. And we have to appeal to our friends and neighbours and fellow Canadians in Quebec. We have to appeal to them to be part of a greater country—not part of a lesser, narrow, tightly bounded little Quebec which is Mr. Levesque's mean and narrow vision.

We sit here in the Parliament of Ontario at a crucial time and we have to have a strategy. I would put it to you, Mr. Speaker, that in the effort we are going to make there is one group that is going to be very vital. Our problem is not going to be solved by redesigning federal-provincial power sharing arrangements. That is going to help maybe but it is not going to solve the problem. This is a gut issue and our strategy has to be a gut issue, because what we're after is to be certain that francophones in Quebec feel as good about themselves, as first-class Canadians, as they would feel as citizens of small, separate country of Quebec. That's the issue.

The issue isn't dollars and cents. It's not provincial or federal control of cable television. Will they feel, deep in their hearts, like first-class citizens of Canada? Will they feel as good that way as they would as being sort of masters in their own little province? That's the question.

We have to recognize, in addition to that, whether they are going to be willing to have a Quebec where other Canadians feel first class in that province. It's very important to recognize it as a two-way street, it's not a one-way matter.

But I can tell you, Mr. Speaker, the people of Quebec are not mean and narrow. I can tell you they are good people. They are willing to make sure that anglophones in Quebec feel first class, but we must do the same in Ontario and make sure that francophones in this province feel first class. What can we do?

There's one group that we need desperately and that's a group of Franco-Ontarians. That group of half a million Franco-Ontarians can raise their voices to their compatriots in Quebec and can say, "Friends, don't let us down." They can say, "Friends, stay and keep this country united. We in Ontario feel very good about being Ontarians. We're accepted as first-class Ontarians."

We have to have those half a million people with us, I would tell the members in every party. The half million Franco-Ontarians must be with us and must raise their voices to call for the united Canada. But that means action on our part. That means action so they'll have the gut feeling that they're first class here in Ontario, and that's something that we have to do together.

Historically Ontario has had a great role in Confederation; it's the keystone in Confederation. And we've gained the most from it. We have the most to lose if it breaks up —not just if Quebec goes, but after Quebec the members know it will be the west next. Our country will break up and what will Ontario be left with.

We've been the great beneficiaries of Confederation and we have the most to lose. We have to fight to keep it together and, as I say, it's a passionate fight. It's a fight on the emotional level. Our country was created around Ontario and Quebec, around Upper and Lower Canada.

John Robarts knew that—the former Premier of this province knew that. He met regularly with the Premier of Quebec, Mr. Johnson. Mr. Robarts understood Quebec and he understood Canada and he had, as you know, a Confederation of Tomorrow conference, which was a great milestone in Canadian history.

In fact it's interesting, because Mr. Robarts and Mr. Johnson actually led the way in Canada. They delved into new ground and it made it much easier for the Prime Minister at the time, Mr. Pearson, to follow in with certain aspects of language policy. Because in a federal state in which we live it's not an easy matter for the federal government always to lead in these things. Mr. Robarts knew that and by getting together frequently with the Premier of Quebec, in forging into new territory, he made it easier for the whole federation to move onto that higher ground.

I tell you, Mr. Speaker, if you go into Quebec now and you ask the francophone population of Quebec who is their favourite anglophone politician, the answer you get even today, in 1976, is John Robarts. You'll get that answer even today, because they felt he went out of his way to understand Quebec, and to understand the aspirations of Quebec and of the French people in Canada generally.

As I say we now have, somehow or other, to call on the Franco-Ontarians to be part of a general call to Quebec. There are half a million Franco-Ontarians and, if they're quiet —if, during the crisis in Quebec the Franco-Ontarians remain very quiet—then our country may well be doomed, because they will speak volumes with their silence.

[8:45]

A lady called me on an open-line programme when I was in Ottawa. It was right after Mr. Levesque's victory in Quebec. This lady was certainly not separatist. In fact, she was a very dedicated Canadian who had lived in Ontario over 30 years. She didn't like the fact that Mr. Levesque's position is to cast aside those French-speaking Canadians who live outside Quebec. He says to them: "If you want to live in an English country, go ahead and do so. Quebec is the only French country." That's what he says. She didn't like him because of that. Yet she said to me: "Dr. Smith, it's a strange thing but when I watched his victory on television, I felt very proud."

One has to ask oneself, why would this lady feel very proud when logically there's no reason for it? I tell you, Mr. Speaker, it's because she's a member of a minority group, and down in her guts she has felt second class for a long time. She just felt proud that somehow one of her people was able to stand up and say: "We are first class," and somehow was able to achieve a victory which led to a passion that she didn't even know was in her. As a member of a minority group, I can tell you that happens—and it only happens when you feel that at some point during your life you haven't been treated as a first-class citizen.

Mr. Speaker, I would tell you that we in this province have an obligation to the Franco-Ontarians: We must find, as I say, that generosity of spirit to make them first class. This is perhaps not a time to be critical on a personal level, but I want to say that I am disappointed that it took time for the Premier of this province, unlike his predecessor—very much unlike him—I am disappointed that, two days after Mr. Levesque's victory, we heard that the Minister of Education might ask Ottawa for some money and might consider a little more French in the schools. Two days after Mr. Levesque's victory, the Minister of Transportation stood up and said we might have some kind of bilingual application for driving licences or something like that. We shouldn't have to wait for that kind of thing to happen. We should be able to show a little leadership, a little courage—

Mr. Samis: They are afraid.

Mr. S. Smith: The fact is—

Hon. Mr. Snow: The fact is, long before—

Mr. S. Smith: Why didn't the Premier have the same courage that we in the Liberal Party were able to show when we called, long before the election, for mandatory second-language education from grade one? Where was the Premier at that time?

Mr. Evans: One language or two?

Mr. Drea: That's a beautiful—

Mr. S. Smith: Why is it that he didn't provide health services? Why did we need a report, such as was tabled by the Minister of Health, detailing the tragic situation in health services among francophones? Why is it that we haven't had justice services? I was in Kapuskasing when there was a trial where the defendant was a francophone, the two lawyers were francophones and the judge was a francophone, but the whole proceeding had to be in English. Why should that be that way in Kapuskasing, which is well over 60 or 70 per cent French-speaking? How is it going to sound when the Premier of this province goes to Quebec, as he should do, and he pleads with the people of Quebec: "Stay with us. Keep us united, brethren"—

Interjection.

Mr. S. Smith: —and a voice calls out from the back of the hall, saying: "Why is it that the people in Kapuskasing can't even have a trial in their own language?"

Hon. B. Stephenson: Ah, hogwash.

Mr. Smith: That is the great tragedy. That's the difference between Mr. Robarts and the Premier of the province at the moment.

Mr. Drea: Stuart, you are re-electing yourself.

Mr. Moffatt: Yes, as much as Frank might not like it.

Mr. S. Smith: There was an article in the paper recently in which it said: "Queen's Park is stealthy with regard to language policy." I quote from the communications director in the Premier's office: "Whenever newspapers publish articles about francophone rights, the rednecks start coming out of the woodwork and the telephone in this office starts ringing off the hook." I don't care if the telephone is ringing off the hook. Isn't it time that the Premier showed leadership? Isn't it time the Premier showed courage and stood up for what's right? The Premier of this province is the keystone of Canada.

Hon. B. Stephenson: That is right.

Interjections.

Mr. S. Smith: And if the man occupying that office is not up to that kind of leadership, then that keystone goes down the drain—and that's what has been happening.

Mr. Moffatt: How can a keystone go down the drain?

Mr. Breithaupt: If it's a big enough drain it can.

Mr. S. Smith: It is not difficult to say what everybody wants to hear. That is easy. Anybody can stand up and tell people what it is they want to hear, by assessing what is the particular issue of the day and where most people stand. It is very simple to do that.

Mr. Hodgson: You know more about Quebec than—

Mr. S. Smith: But real leadership is being able to stand up and mould public opinion, to lead people in the direction where you know they have to go to keep this country healthy and sound and united. That takes courage and real leadership.

In about 1780, John Adams was asked about the American Revolution—

Mr. Yakabuski: Peterson's granny.

Mr. S. Smith: "Tell me," he was asked, "how did that happen? Where was the support for the American Revolution?" He said, "Thirty per cent of the people were in favour, 30 per cent of the people were opposed and 40 per cent were pretty indifferent to it. That is how we won." I put it to you, Mr. Speaker, that this government has been part of that 40 per cent, and that is the kind of reason that makes me shudder when I think of what might happen as Mr. Levesque arranges his attack and his strategy in the way I have outlined.

Interjections.

Mr. S. Smith: I went to Quebec in September. I was there before the election was called. I spoke in both languages at that time in Quebec.

Mr. Hodgson: And you are still doing it.

Hon. B. Stephenson: Sure, it is only out of both sides of your mouth.

Mr. Hodgson: What is your third language?

Mr. S. Smith: I said to them that we ought to have a Confederation of Tomorrow conference on linguistic policy. I called for that in July. I called for it before it was fashionable. At that point I think we should have had the ability to rise to that occasion and have a sort of conference on linguistic policy.

I said in Quebec that we in Ontario would have to have our linguistic policy looked at. I also said, "You will have to have your Bill 22 put on the table too, my friends." I was criticized for that. I was criticized by some of the francophone reporters who thought I was against the preservation of the French language. I said to them—I said this on television—"It is unacceptable to me that there should be Italian Canadians and Greek Canadians who are being treated differently from other Canadians. There can only be one class. It can only be first class. There cannot be more than one class of Canadian."

Why was it that we didn't have that kind of initiative taken by the Premier of this province months and months ago, when it would have done some good. There is no point in negotiating with Mr. Levesque now. His only object is to break up this country.

Mr. Moffatt: He's just breaking up the Liberal Party; that's all.

Mr. S. Smith: We need a Premier who can go into Quebec, who can say how deeply committed we are to Canada and how much we really want to make this country work. But his own house must be in order. There is no point in going into Quebec to talk to the people who are going to decide the fate of this great country in another year or so, unless our own house is in order. There is still time—and I plead with the Premier, wherever he is tonight—

Hon. Mr. Bennett: He will be here.

Mr. Eaton: He is not playing tennis, anyway.

Some hon members: Oh, oh.

Mr. Warner: Is your panty-hose too tight? Is that your problem?

Mr. Speaker: Order, please.

Mr. S. Smith: I plead with the Premier to make absolutely certain that our own house is in order.

We know that the federal government has certainly had a number of problems. I think I and many others have criticized the civil service programme of the federal government. I think their attempt to implement bilingualism has been expensive, sometimes wasteful and frequently unfair. But that is not an excuse for doing nothing in Ontario. That is not an excuse for sitting back and just criticizing in the way the Premier did the other day.

Hon. Mr. Bennett: Great guy. Great guy.

Mr. S. Smith: I want to say too that I think it would be a very serious error for us to say, as the Prime Minister is alleged to have said, that there has to be a national referendum to decide the future of this country. I think it is very important for us to recognize that when we say there has to be a national referendum to do this, we basically are saying to Quebec that they can't have self-determination.

Mr. Yakabuski: You have never forgiven Trudeau, have you?

Mr. Roy: Paul, listen a bit. You might learn something.

Mr. S. Smith: By saying that, we are telling them they are not permitted to have self-determination. And that is a great mistake. We are going to have to give Quebec self-determination; there's no point in arguing for a national referendum except, perhaps, as an indication of opinion. The real decision is going to be made in Quebec and all of us here, as leaders of the people, have to have the courage to go to our citizens and save this country. There must be a united voice from Ontario calling out to Quebec to vote to stay in this country.

I want to say as well, if I might, there are people now like Mr. Parizeau, people like Mr. Moran and, of course, Mr. Levesque himself, who are going about this country and are going about their own province of Quebec and saying, "don't worry if we have separation. It's perfectly all right. We can always have a customs union. We can have tariff barriers removed. We can always have free trade. Money will flow easily.

He's saying that. He's saying to them, "You can have your cake and eat it too." He's saying to them, "There'll be no problem. The English will be just as happy to be rid of you and commerce will continue. The almighty dollar will rule and everything will be just dandy." That's what he's saying in Quebec today, this man who's trying to destroy our country.

We have to stand up and say in no way are we going to accept his point of view that everything can be just as it was before, even after a vote of separation. No way is that going to be the case. We have fought to create an economy in a very difficult circumstance, in a country which is stretched with a thin line of population from sea to sea. We have fought for years, for over 100 years, to make an economy viable in this country. There's no way that we're going to stand back and just let them break up this country because of their narrow, petty, ethnic nationalism.

Interjections.

Mr. Speaker: Order, please.

Mr. S. Smith: I can tell that the members opposite are actually listening carefully to my comments, and I am very glad to see that.

Mr. Roy: It's a bit above the member for Scarborough Centre.

Mr. S. Smith: I feel that if this particular crisis is to be overcome in a way that keeps us together as Canadians; if this crisis is to be overcome in a way that keeps this country together so that we can raise our children as real Canadians and not simply as members of a broken up, shattered dream; if we can have that generosity of spirit and appeal to that generosity of spirit which marks the people of Ontario, then we can transcend this crisis; we can give equality to our Franco-Ontarians.

We can go into Quebec and fight for the hearts and minds of Quebeckers, just as we fight for the hearts and minds of the rest of the people of this country. We can reject Mr. Levesque and his blandishments. Unless we get some leadership from the Premier; unless we get a Premier who's more like Mr. Robarts, then I really wonder whether Ontario will simply forfeit the key and vital role which it ought to be playing in Confederation.

I will draw my remarks to a close. I can picture, at the end of a long and difficult session when from time to time we have stressed political differences; from time to time have stressed fundamental issues which have come up—matters ranging from provincial parks to Greyhound and things of this kind—that perhaps the House is not prepared this evening to consider seriously what is really the only issue, the only real issue, that's going to occupy this country for the next year. That is the future and survival of this nation, this experiment in nationhood which is still going on.

I ask you, Mr. Speaker, and I ask members of this House to accept the remarks I have made; to think upon them; to formulate their own opinions about these matters. If they agree with me that this country is worth fighting for, let them go home to their constituents and show leadership and fight for the survival of this country, for the equality of all Canadians, for the equality of

the languages and cultural groups in our country and the survival of the Canadian dream.

[9:00]

Mr. Renwick: Mr. Speaker, I rise to participate on behalf of our party and the official opposition in closing this debate—

Interjections.

Mr. Speaker: Order, please. The hon. member for Riverdale only has the floor.

Interjections.

Mr. Speaker: Order. The hon. member for Renfrew North—South, that is—will please come to order.

Mr. Conway: On a point of personal privilege.

Mr. Speaker: Order, please. We've had a very orderly debate tonight and let's continue that way.

Mr. Sargent: Where is the Premier?

Mr. Speaker: Order, please. The hon. member for Riverdale.

Mr. Renwick: —and in bringing to a close this session of Parliament. I will be asking, of course, in the course of the debate for the support of all the members of the House, but particularly the support of the members of the Liberal Party, for the amendment which was moved by my colleague, the member for Beaches-Woodbine, what appears to be many weeks ago, and the further amendment to that amendment placed by the leader of this party in the latter part of this debate at the end of November.

I will not repeat those amendments during the course of my remarks but they are available in print; they will be read to us and I solicit the support of the Liberal Party for those amendments. Indeed, I solicit the support of those independent members of the Conservative Party—

Mr. Roy: Where are those?

Mr. Renwick: —who may choose to support us.

Mr. Conway: We are not that desperate.

Mr. Renwick: Mr. Speaker, let me first of all assure you and assure the House that I do not intend to speak for very long this evening—I would think for half an hour or thereabouts—and as usual I don't intend to repeat myself.

Mr. Breithaupt: But you will.

Mr. Renwick: May I express to you, Mr. Speaker, and to your colleague and our colleague, the Deputy Speaker and chairman of the whole House, the member for Lake Nipigon, and to the member for Simcoe East, the deputy chairman of the committee of the whole House, the appreciation we have for the way in which you and they have conducted the business of the assembly under some difficult occasions. I know, Mr. Speaker, that you would want me to wish the member for Simcoe East a full, speedy and quick recovery and return to this House. We who have worked with him admire always the calm charm which the member for Simcoe East brings to the deliberations of this House and to the work in the committee with which I have been associated for some considerable period of time.

I also know, Mr. Speaker, that you will allow me a special word about our colleague, the member for Lake Nipigon.

Mr. Hodgson: How about the one for High Park?

Mr. Renwick: Our colleague, the member from Nipigon, has a voice in this House and one of these days he may again have a vote. I hope so. The non-voting member for Lake Nipigon is close to us; we esteem him and regard him highly. For us, it was a signal honour that he was given the opportunity, as a member of this caucus, to participate as Deputy Speaker of the House and chairman of the committee of the whole House. We are all proud of him and although on occasions he exasperates us as I know he does other members, on other occasions we expect and anticipate that he has found that particular niche in parliamentary life which eminently suits him.

Before I forget, I would like to wish all of the members of the House a merry Christmas and a happy new year. I may forget to do that during the course of my remarks. I also want to make a confession to the House—

Mr. Moffatt: What did you do?

Mr. Ruston: No, Jim, no.

Mr. Renwick: I want to make a confession to the House. I am a noted plagiarizer, so anything I have plagiarized in my remarks tonight and cannot attribute, and even those that I could attribute and don't attribute, I apologize to all of them and thank them for allowing me to use their material in whatever way I wish to use it.

I also thank two eminent research and statistical bodies, Statistics Canada and my research colleagues in the New Democratic Party caucus. With some aspersions these days cast upon Statistics Canada, I'm glad we have our research group on whom we can rely totally and implicitly. Much of what I have to say tonight on difficult and somewhat arcane matters is the result of the work they have done for us and I may say that any confusion that there may be in my delivery is certainly not attributed to the lucidity of the research work which they do for us over many, many months and under very difficult occasions.

I want to talk just a little bit about the politics of Ontario at the present time so that the Tories know that we know what they're about in an election time. We happen to believe, and have a very simple view of politics, we happen to think that the election will be called—

Mr. Moffatt: Not simplistic. You have the simplistic view.

Mr. Breithaupt: Everything is a plot.

Mr. Renwick: Just so they will understand that we know, the election will be called when the Premier of Ontario decides to walk down the hall and ask for the dissolution. It will not be called except if they so engineer it, by the combined vote of the party to the left and ourselves.

Mr. Conway: Which is it, Jim? Come on.

Mr. Breithaupt: It won't be your decision, that is clear.

Mr. Renwick: We will consistently be voting against their policies on all major matters and at some point in time my colleagues in the Liberal Party will stand and vote with us, but that will have been engineered by the Premier of the province—

Mr. Breithaupt: So it could be our decision too.

Mr. Renwick: —and he will call the election when he wants to call it.

Mr. Breithaupt: There are two people who will call it and neither one of them is your leader.

Mr. Renwick: So that is what it will be about. Let me tell the House a little bit about the shape of the next Tory campaign. They're going back to 1971 and to 1967 and to 1963. What they really want is what they like to have, a no-issue campaign. I've noticed, apart from the inevitable hazard of the political accident that they are so prone to these days, apart from that I noticed that they have moved deliberately and continuously—

Mr. Nixon: You had a doozer today.

Mr. Renwick: —to defuse every issue. I know very well that, come the end of a long hot summer rather than the spring, the Premier will decide well there aren't any issues now and people are quite relaxed and we'll just have one of our elections. He will be wrong, because he will not come back with a majority and indeed the Tories will be lucky if they are a minority government after the next election.

I had occasion to look at the remarks made on April 13 by my colleague—

Interjections.

Mr. Speaker: Order, please. Fewer interjections would be better.

Mr. Renwick: —by my colleague, the member for Beaches-Woodbine, in her response on our behalf to the budget. I had occasion to look at the remarks of the then critic for the Liberal Party of the budget, the member for London North.

Mr. Reid: You will get him next.

Mr. Renwick: I just want members to know that I have them here.

Interjections.

Mr. Cunningham: Twenty pieces of silver.

Mr. Renwick: If the member for London North would like me to sign this and send it to him, I would be glad to do so.

Mr. Breithaupt: He not only read them, he wrote them.

Mr. Angus: You have got an excellent research department.

Mr. Breithaupt: He's playing out his option.

Mr. Sargent: You all come back, Marvin. You all come back.

Mr. Reid: You want to trade Jack Stokes for Marvin Shore?

Mr. Ruston: The member for Lake Nipigon is going over.

Mr. Renwick: Perhaps I should say to the Attorney General that there's a case cluttering up the list of the Supreme Court. It's an old Dickensian case. It's Sargent versus Singer.

Mr. Nixon: That's not as old as your statement that Lewis would never lead the NDP to victory.

Mr. Renwick: I just want you to know that we have—

Mr. Nixon: Are you preaching for another call, Jim?

Mr. Renwick: —relatively long memories, so that if there's anything that I or my colleague from Lakeshore could do to settle that dispute we would be happy to assist.

Mr. Breithaupt: It's all settled.

Mr. Renwick: It's still on the list, near the bottom—my friend, the member for Wilson Heights, tells me—near the bottom of the list.

Mr. Conway: If you are wise, Jim, you will keep personalities out of this.

Mr. Speaker: Order.

Mr. Renwick: But I'm glad that the Treasurer has come, because I am—

Interjections.

Mr. Renwick: —indebted to my non-voting colleague from Lake Nipigon for bringing to my attention the regard which I have for the Treasurer of the province, being similar as it is to the regard that Benjamin Disraeli had for Mr. Gladstone.

Mr. Bullbrook: Which one are you?

Hon. Mr. Davis: You knew them both well.

Mr. Renwick: When Mr. Disraeli was asked if he could distinguish between a misfortune and a calamity, he said that if Mr. Gladstone fell into the Thames it would be a misfortune and if anybody pulled him out it would be a calamity.

Mr. Nixon: At least you attributed that one.

Mr. Renwick: To the member for Lake Nipigon, yes.

Mr. Drea: The analogy fits: Singer versus Sargent.

An hon. member: No, that's two calamities.

Mr. Nixon: You are next, Frank.

Mr. Conway: You are both a calamity and a disaster.

Mr. S. Smith: Mention the Supreme Court and Frank is right on the bit.

Mr. Renwick: Mr. Speaker, I have a number of matters. That was just by way of preamble.

Interjections.

Mr. Renwick: I was going to go to the peroration now, but I think I have two or three things that I'd like to say in the interval.

Mr. Nixon: Your perorations are the best.

Mr. Renwick: I always like to choose a text. For my colleague, the member for Armourdale (Mr. Givens), this is from McGibbon, not from Gibbon, and it's on page four of the Speech from the Throne. It states: "Employment security is the only real income security a free society can afford for the vast majority of its citizens."

I'd like to just talk a little bit about the inability of this government to understand the extent and degree of the unemployment problem which faces the people of the province of Ontario and which this government is unable to deal with. I have the figures for the population, labour force, employment, unemployment, unemployment rate and the participation rate of the labour force of the province of Ontario since 1970 up to and including October 1976.

Interjections.

Mr. Renwick: Mr. Speaker, on the question of unemployment, let me draw to the attention of the House that in the five years since 1970 until the present time, the participation of women in the labour force has gone from just over 40 per cent to just under 50 per cent. I think it is probably a statistic which is often lost sight of. The participation of the men members of the labour force has remained relatively constant at 80 per cent.

The significant part about the unemployment rates, of course, is the very significant deterioration which has taken place in them since 1970 and each year thereafter. In 1974—and I'm not going to recite too many of these figures—in 1974, the unemployment rate in the province of Ontario was 4.4 per cent, made up of an unemployment rate for men of 3.7 per cent and for women of 5.7 per cent, averaging out at 4.4 per cent. In 1975, that rate had deteriorated to the point where the unemployment rate overall in Ontario was 6.3 per cent and the unemployment rate for men was 5.4 per cent and for women was 7.8 per cent. That has continued to the present time when we have in Ontario an unemployment rate now of 6.3 per cent.

[9:15]

I want to say to the Treasurer specifically that he has found himself in a situation of his own making which destroys any possibility that this government can deal with that question of high unemployment. The reason he's in that position is the deficits of this government. Let me go back and state for him what he knows our position is. We believe in an economy of economic growth, an economy of price stability, an economy of full employment and an economy of fair shares. In 1975, in his budget the Treasurer of Ontario posited the concept of a full employment budget and he gave certain statistics that would support that. The peculiar and strange thing about the defict of the Davis government under the treasurership of the member for Chatham-Kent is that the deficits piled up year over year in the last five years by this government mean that it is impossible to project a budgetary surplus on a full employment economy.

Hon. Mr. McKeough: Nonsense.

Mr. Renwick: It is just not possible to do that because of the dramatic deterioration in the debt position of the province.

Hon. Mr. McKeough: Nonsense.

Mr. Renwick: I can deal with questions of manpower and employment and the facts and statistics which relate to them, but I want to use for my purposes a major piece of work which was done at my request in connection with the projections of the Smith committee on taxation. It was by coincidence that their projections carried through a 10-year period ending in 1975. I want to point out to the assembly the destruction that has been wrought on the economy of this province by this government in its deficit financing.

Mr. Yakabuski: What about Barrett in BC?

Mr. Renwick: I recognize there have been significant accounting changes in the way in which the government presents its financial information since the days of the Smith report. I recognize there has been the implementation of a number of the Smith committee's taxation recommendations. Having said all that and recognized all that, let me just refresh the mind of the Treasurer and other members of the House about what the Smith committee had to say, on the question of debt financing and borrowing by the province.

The Smith committee makes the following statements: "Our projections lead us to the clear and inescapable conclusion that in the absence of remedial measures the present unsatisfactory revenue and spending positions of the provincial and local governments of Ontario will deteriorate sharply and continuously within the coming decade. The concrete problem that emerges is that of determining the most appropriate means of financing a combined provincial-local, expenditure-revenue gap. The province will need to consider to what extent it may wish to modify the projected level of its public expenditures and to what degree it will rely on taxation and borrowing to meet its financial requirements."

They then go on to address themselves to the question of the growing debt of the province. They say: "It is, nevertheless, appropriate in view of the prospective continuing growth of the Ontario economy that the province undertake a substantial expansion of debt as one means of financing the continuously rising levels of government expenditure forecast during the next decade."

The Smith committee recommended that the ratio of debt to provincial domestic product be cut to nine per cent, but with respect to the province they made the following recommendation:

"A policy that simply stabilizes the provincial debt ratio at its present level of nine per cent represents no more than the minimum reliance that we think should be placed on borrowing in meeting the rising levels of provincial expenditure within the expanding provincial economy. We therefore recommend that, as a partial solution to its projected annual expenditure revenue gaps, the province permit a modest expansion of its net debt at a rate at least equal to the growth in provincial domestic product."

Let me just indicate what has happened in relation to those projections in the historic circumstances of this government. The figures show very clearly that for the period from 1964 to 1975 the average annual rate of growth in net debt predicted by the Smith committee was 15.54 per cent, while the actual average annual rate of growth was 12.18 per cent. These figures are obviously not very interesting.

Mr. Nixon: Right, right.

Mr. Renwick: They become a lot more interesting when we break the 1964-1975 period up into two periods—1964 to 1969, with an actual average annual growth in net debt of 0.98 per cent, and 1970 to 1975,

with an actual average annual growth in net debt of 25.23 per cent.

Let me also clearly indicate that I recognize the government no longer reports the provincial domestic product but has gone to the gross provincial product as the margin. I am not going to labour the distinction between those two particular measurements, but I do want to say that a chart which the Treasurer showed to this House in his 1975 budget, chart C5 on page C20—and I specify it particularly—was a fraudulent statement.

Hon. Mr. McKeough: What year was that?

Mr. Renwick: It was 1975. It was a fraudulent statement. The ratio used in that chart was not the ratio referred to by the Smith committee. If we assume the provincial domestic product has grown at the same rate as the gross provincial product—

Mr. Nixon: What did we do to deserve this?

Mr. Renwick: —and we use those projected provincial domestic product figures in the ratio, we find that in 1975-76 we are very close to the nine per cent debt ratio that the Smith committee talked about. In fact, it was 8.7 per cent, but there were budget estimates at that time. I think the calculations will show that, in fact, we are over the nine per cent limit which was projected by the Smith committee.

Hon. Mr. McKeough: No.

Mr. Renwick: I ask the Treasurer to check this out, because I have used a fairly strong term about that chart and the misleading nature of the position placed before the province in that budget with respect to the Smith committee test.

Let me just go on; the nine per cent business is perhaps rather picky, especially since it was only a minimum suggestion. What does show clearly, though, is not that the main Smith committee recommendation for a responsible debt policy has not been followed, but that the net debt has grown between 1964 and 1975 at an average annual rate of 12.18 per cent, while gross provincial product has grown at an average annual rate of 11.15 per cent. That is, net debt has expanded faster than the economy.

Of course, this difference in rates of growth is even more dramatic when we look at the 1970-75 period. During this period, gross provincial product was growing at an average annual rate of 12.1 per cent while the net debt was growing at an average annual rate of 25.23 per cent. In fact during the period from 1964 to 1969, net debt was growing very slowly, much slower than gross provincial product. The Davis regime therefore completely ignored the debt policy recommended by the Smith committee and subsequently finds itself faced with an expenditure revenue gap which is out of control and which calls for Draconian cutbacks.

I'm not going to talk about the cutbacks. I notice the Treasurer on radio the other morning quickly corrected himself and said—

Hon. Mr. McKeough: This morning.

Mr. Renwick: —it was a decrease in the rate of growth and not a cutback. In any event the cutbacks occurred not because of concern about inflation; not in any sense because of government concern about inflation. The pressure on it has been because of its deficits and it cannot translate it into any other rational explanation.

Hon. Mr. McKeough: Nonsense.

Mr. Renwick: The net effect—

Ms. Bryden: Out of control.

Hon. Mr. McKeough: You should really stick with family law.

An hon. member: So should you.

Mr. Renwick: I'm good at that, too.

An hon. member: The member for London North was right.

Mr. Speaker: The hon. member for Riverdale. Order.

Hon. Mr. Bennett: He is right now; on the right side.

Mr. Kerrio: Two more votes if he comes back.

Mr. Renwick: The budget does contain a dramatic turn around in the size of the deficit. It drops from $1.889 million to $1.230 million but that turn around has nothing to do with the social service cutbacks or health cutbacks. It comes very easily to the government—$442.5 million rolls in as last year's election tax concessions expire. Sales tax cut $330 million; home buyers grants $67.5 net change.

Mr. Makarchuk: And $11 million wasted.

Mr. Renwick: Elimination of sales tax on cars, $45 million. Another $228 million from raising OHIP premiums justified with the

fiction that the employer's share of premiums really comes from the employer and not ultimately from the employee.

Mr. Wildman: Such gobbledegook.

Mr. Renwick: We've had all of this hullabaloo over lazy welfare cheats, bankrupting the province to the tune of $20 million, while the Treasurer watches over $400 million—

Interjections.

Mr. Speaker: Order, please. These interjections do not add to the calibre and quality of this debate.

Mr. Breithaupt: Nothing does.

Mr. Nixon: No way to help it at all.

Mr. Speaker: The hon. member for Riverdale.

Mr. Renwick: Mr. Speaker, they don't bother me. I'm always speaking to posterity.

Mr. Cassidy: And posterity will listen.

Interjections.

Mr. Renwick: The Treasurer watches over $400 million roll in simply because we can't afford two election-year budgets in a row. The pattern of deficits in Ontario reflects perfectly the timing of elections. Year 1969-70; 1970-71; 1971-72; 1973-74; 1974-75; 1975-76.

Hon. Mr. McKeough: It is called the—

Mr. Renwick: Deficit in 1969-70, $438 million, no election. Deficit 1970-71, $556 million, no election; 1971-72, election year, $1.018 billion.

Mr. Nixon: That was the Premier's first year in office.

Mr. Renwick: In 1972-73, no election, $744 million; 1973-74, no election, $708 million; 1974-75, $1.03 billion; 1975-76, $1.976 billion.

Interjections.

Hon. Mr. McKeough: You don't understand counter—

Mr. Speaker: Order.

Hon. Mr. Davis: That's like linear whatever it is.

[9:30]

Mr. Renwick: The percentage increase of 1970-71 over 1969-70 was 29 per cent, and no election. The percentage increase of 1971-72 over 1970-71, an election year, was 79 per cent.

Hon. Mr. McKeough: You just don't understand.

Mr. Renwick: The 1972-73 percentage decrease was 27 per cent, and no election. The 1973-74 percentage decrease was five per cent.

Interjections.

Mr. Speaker: Order, please, the hon. member for Riverdale only.

Mr. Renwick: The 1974-75 percentage increase was 45 per cent and the 1975-76 percentage increase 92 per cent.

Mr. Deans: Was there an election mentioned?

Mr. Renwick: Yes, there was an election mentioned.

Interjections.

Mr. Renwick: If you double the deficit, you will halve your members. Let me just go on and perhaps state it as another ratio that the Treasurer can mull upon later on this evening.

Mr. Deans: The Treasurer looks embarrassed.

Mr. Renwick: The deficit as a percentage of revenue in 1969-70 was 12 per cent; 1970-71, 11 per cent; 1971-72, 19 per cent; 1972-73, 12 per cent; 1973-74, 10 per cent; 1974-75, 13 per cent and 1975-76, 21 per cent.

Interjections.

Mr. Renwick: The pattern is at least interesting.

Mr. Deans: Do you get a message there somewhere?

Hon Mr. McKeough: Just wait until you see this spring.

Mr. Cunningham: I can't wait until you thaw out.

An hon. member: Wait until the people of this province pay for it.

Mr. Renwick: The deficit jumps substantially in an election year. The immediate post-election budget is obviously an effort towards consolidating the excesses of the previous year. If we are overborrowed and over-spent, it seems to be a condition exacerbated by election fever. The norm for the period seems

to be for us to borrow about 12 per cent of general revenue. In election years that jumps to 20 per cent.

Perhaps those pertinent figures and ratios illustrate more clearly than anything else could the proposition I put to the Treasurer that this government, despite its posturing about its relationships wtih the federal government, despite the blame which it puts upon the Canadian dollar exchange rate, despite the blame which it puts on world conditions and despite the blame which it puts on rising oil prices, has not in place a single policy designed to produce the jobs which are required in this province either by way of the labour force increment from year to year, either by way of matching skills to job vacancies or by way of bringing the disadvantaged people of the province into the work force.

I am saying to the government that unless it comes down with manpower and employment policies designed to protect the people of the province it is not going to be able to vary in any major extent the present unemployment rate which is hanging over this province at about 6.3 per cent. It may go up slightly. It may go up to seven or it may come down to 6.1, but it is most unlikely to come anywhere near to below six per cent.

Mr. Shore: You would fix that up, wouldn't you?

Mr. Cunningham: Who is going to fix you up?

Mr. Renwick: Let me just point out what this causes at the present time. The unemployment in Ontario is currently running at around 270,000 people. Job vacancies, and I want the Treasurer to understand this, number only about 19,000 to 20,000. Even were we to fully match existing job vacancies with persons to fill those jobs we would still need to create 250,000-plus jobs. And there is nothing that this province is doing to facilitate the creation of those jobs which are so desperately needed if we are, in fact, to have a full employment economy, an economy of economic growth, an economy of stable prices and an economy in which there are fair shares. I am not going to deal right now about the distribution of income amongst the various quintiles but I am simply going to say that there has been no significant relative change.

Interjection.

Mr. Renwick: Well, the income distribution of the province of Ontario with respect to each of the 20 per cent levels of income throughout the province. That was a matter not only of Statistics Canada but of the Treasurer's Economic Council reporting to this government about that question.

Interjection.

Mr. Renwick: The shares have never, ever varied.

Hon. Mr. McKeough: Senator Cole has been on that.

Mr. Renwick: Let me say this. In Ontario at the present time, other than the role played by Colleges and Universities in the design of training programmes for Canada Manpower clients—other than that—there are only two provincial programmes directed toward those who are disadvantaged and on social assistance. One is the vocational rehabilitation under the federal Adult Occupational Training Act with 50 per cent federal funding. The province conducts a training and rehabilitation service; $5,685,200 of provincial moneys were devoted to it in fiscal 1976-77. In fiscal 1975-76 about the same number of dollars. Eleven thousand five hundred persons went through the process and 3,600 went into training; others were assessed, dropped out, were rehabilitated. Community and Social Services also purchased courses from Colleges and Universities where the fees have gone up.

The only other work activity project in the provinces is 50 per cent funded under the Canada Assistance Plan and work activity is designed to provide work acculturation to hard core unemployed. The director expects to have 17 projects this coming year. Last year 561 persons were served. A follow-up of graduates of three months after leaving revealed a surprising rate of rehabilitation; 34.5 per cent were gainfully employed, 11.8 per cent were in training and 11.8 per cent were living independently. The province on this programme spent a grand total of $578,750, on what was, in relative terms, for the limited clientele which it could serve, at least a reasonable success.

I say to the Minister of Community and Social Services (Mr. Taylor) when the session is over, when the bureaucrats are bargaining for the share of the provincial pie I hope the minister and his bureaucrats will be in there fighting for his ministry in order that we can have a vast improvement in the number of dollars provided for these work-related programmes.

Mr. Conway: He won't be in that ministry long.

Mr. Renwick: I could go on on that topic, but I did want to try very briefly to deal

with the question of the deficits in the province and their relationship to the immense lack of manpower training programmes and to the high level of unemployment in this province and to say to the Treasurer in no possible way can this government deal with the matter.

I have—and I think perhaps I will quote this, Mr. Speaker, very briefly. On Saturday, May 15, 1976, Fred Lazar and Arthur Donner wrote in the—

Hon. Mr. McKeough: The only negative comments.

Mr. Renwick: Yes, the only negative comments. Oh.

Hon. Mr. McKeough: Thousands cheered.

Mr. Deans: The only ones.

Mr. Renwick: Yes, yes.

Hon. Mr. McKeough: Millions cheered. Negative, really—from two run-down academics.

Mr. Bain: The world was at your feet.

Hon. Mr. McKeough: Millions cheered and you picked out two run-down academics. Really.

Mr. Moffatt: That's a run-down Treasurer, that's what it is.

Mr. Speaker: Order. The hon. member for Riverdale.

Hon. Mr. McKeough: This is called New Democratic Party research.

Mr. Speaker: Order, order. The hon. Treasurer will please restrain himself.

Mr. Laughren: Don't worry, some day you'll be queen.

Mr. Speaker: Order. The hon. member for Riverdale.

Interjections.

Mr. Renwick: I quote only in part: "The announced budgetary deficit or surplus provides insufficient information to determine what the impact of the budget will be on the economy. A more appropriate measure is the full employment budgetary position"—

Hon. Mr. McKeough: First adopted by this province.

Mr. Speaker: Order.

Hon. Mr. McKeough: First adopted by this province.

Mr. Conway: Throw him out.

Mr. Renwick: —"Even though the concept of full employment remains ambiguous and thus the calculation of full employment expenditures and revenues becomes, to a considerable extent, an arbitrary exercise, it is one that will still prove to be worthwhile for the information it provides. A full employment budget deficit would suggest that the government is taking an expansionary fiscal stance. A surplus suggests a contractionary stance, and a balanced budget a neutral government position."

Interestingly, in the latest Ontario government budget, there is no presentation of the full employment budget position.

Hon. Mr. McKeough: We cut back on the number of pages, it was a restraint.

Mr. Speaker: Order, please.

Mr. Renwick: In the 1975 budget, the Treasurer, going to great lengths to rationalize the government's record budget deficit—members will remember that was an election year—presented a table showing the Ontario budget impact on a full employment basis in order to—

Hon. Mr. McKeough: The member for Beaches-Woodbine is blushing at those references.

Mr. Speaker: Order, please. The hon. member for Riverdale only.

Mr. Renwick: —in order to explain how the Ontario government was undertaking the appropriate fiscal measures for the underlying economic conditions. This year, all we get from the Treasurer is the brief comment: "My conclusion is that the Ontario economy does not require government stimulation at this time."

Whether or not the budget is neutral is difficult to assess in the absence of the full employment budget position. Nevertheless, it is surprising that in 1975 the Treasurer believed that the Ontario economy required stimulation when he expected the Ontario unemployment rate to average 5.4 per cent and the national inflation rate to approach 10 per cent. Yet, in 1976, the same man does not believe stimulation is necessary when the Ontario unemployment rate is expected to remain at its 1975 average of 6.3 per cent.

Whatever happened to last year's stimulative budgetary impact? If a stimulative budget kept the unemployment rate in Ontario from rising by no more than one percentage

point then the Ontario economy may be in serious trouble this year with his neutral budget.

I think that's enough of that lesson in elementary government finance for this evening. I trust that my remarks will be read.

Hon. Mr. McKeough: You really should stick to law.

Mr. Renwick: I was going to deal with productivity. I was going to deal with the profit figures in the supplementary statement of the Treasurer.

Hon. Mr. McKeough: The Attorney General is worried so much about that.

Mr. Speaker: Order, please. Order. The hon. member for Riverdale.

Mr. Renwick: I was going to deal with the balance of payments and the outflow on transfer payments from this province under so-called know-how agreement to foreign parents of subsidiaries in the province. I was going to say to the Ministry of Industry and Tourism that he no longer should talk to us about matching Ontario expertise with foreign capital—

Mr. Conway: He is getting matched himself.

Mr. Renwick: —because we are paying, every year, an increasing amount from the province of Ontario for so-called foreign expertise. It's a burden on this economy, not by way of debt, not by way of dividends, but by way of service charge passing from Canadian companies, subsidiaries of foreign operations, to their foreign capitals.

Hon. Mr. Bennett: Get your facts. Get the financial statements about what the programme is.

Mr. Foulds: The minister is the Mr. America of the Tory cabinet.

Mr. Renwick: In any event, I urge the Minister of Industry and Tourism, in consultation with the Treasurer, to look at the balance of payment figures with respect to the outflow, the net outflow, from Canada paid by Canadian companies to their foreign parent companies or the foreign companies with which they're in partnership. That gap is just like the gap between the government's revenues and its expenditures—

[9:45]

Mr. Drea: That gap is smaller than the union gap, I will tell you.

Mr. Renwick: —it's expanding at a rate which is destroying the Canadian and Ontario economy in the secondary manufacturing field. I ask the minister to look at it. I don't ask him to understand it, but just to look at it.

Mr. Bain: And you don't have to do anything about it.

Mr. Warner: It's too bad you can't sell off—

Mr. Speaker: Order, please.

Mr. Renwick: Mr. Speaker, I promise not to go on too long—

Mr. Eaton: You said that half an hour ago.

Mr. Conway: You broke that promise.

Mr. Renwick: Thomas Jefferson said at one point in time that business had no country. That's my theme for this portion of the wind-up of this budget debate on behalf of this party. Since business is designed to make money, and high unemployment creates labour pools of idle workers who are willing to take lower wages; since inflation doesn't hurt the well-to-do much; and since the inequitable tax system in this country was imposed and continues to be imposed on it by the business community through acquiescent legislatures, it seems unlikely that any Treasurer of a Tory government would attempt to help people if that meant reduced profits.

The Treasurer should be concerned about people's welfare, rather than being constantly preoccupied about the business community. Businessmen over and over destroy their own markets in favour of short-term profits. Businesses will have to be examined by any Treasurer who hopes to stimulate the province's economy and protect the people at the same time. No Treasurer can satisfy the insatiable but he can control them.

If I can state the difference between this party and the Tory party—and, if it any longer matters, the Liberal Party—in budgetary, fiscal and financial matters and policies—

Mr. Reid: So much for NDP research.

Mr. Renwick: —it is that this party is determined to help lift the burdens of unemployment, inflation and unfair taxes from ordinary citizens of Ontario; I am convinced that one cannot serve them and serve the interests of the business community too.

Mr. Conway: Does the member for Lake Nipigon agree?

Mr. Speaker: Order, please.

Mr. Renwick: Let me deal with a couple of the slogans that have come to us from the

United States and which have been adopted by this government: "Profits is not a dirty word," and, what's the other one, "No free lunches"? I happen to know that's not very original. I think it was first said in 1958, but it's currently being used by adherents of the Tory party, as is the "Profits is not a dirty word" slogan.

In any event, both those slogans were part of an organized campaign in the United States, with the usual slop-over into Canada, trying to convince the public that the business community had nothing to do with high unemployment and high inflation; and that the higher the profits, the better everyone was. The Conservative Party—this government—has adopted this slogan in its dying days—that's both the slogan and the government. It was negative, in any event. And if Eddie Goodman thinks he can save the Tory government, my advice to him would be to drop those slogans.

Mr. S. Smith: And work for Greyhound.

Mr. Reid: He has gone to work for Greyhound.

Hon. Mr. Davis: What was that, Stuart?

Mr. Mancini: Why don't you pay attention?

Mr. Renwick: This party, the New Democratic Party, is not a sycophant of business, nor does it damn business out of hand. A New Democratic Party government would demand of business that the business community restore public confidence in itself, but we would not turn Ontario over to it lock, stock and cash register. And that will require the examination of businesses to determine whether they are serving the public interest or whether they are incapable of serving that interest.

Mr. Conway: Does the member for Lake Nipigon agree?

Mr. Renwick: That is what any government must do to have the confidence of the people; that is what this government is not doing, and, need I complete the logic of the syllogism—for the benefit of the government, I must—that is why this government no longer has the confidence of the people of Ontario.

Mr. Conway: Sounds like "tomorrow starts today."

Interjections.

Mr. Renwick: Mr. Speaker, I want to close my remarks by commenting a little bit about the Confederation. I was interested to note—and I trust the Treasurer will hear this or read it at some point—I was interested to note the comment which he made, which was drawn to my attention by my colleague from Carleton East (Ms. Gigantes), when the Treasurer spoke on November 26, 1976, and he quoted Sir Wilfrid Laurier—

Mr. Conway: Great fellow.

Mr. Renwick: "The French Canadian who appeals to his fellow countrymen to stand by themselves aloof from the rest of the continent, the English Canadian who appeals to his fellow countrymen on grounds affecting them alone, may perhaps win the applause of those whom they may be addressing, but impartial history will pronounce their work as vicious in conception as it is mischievous and wicked in its tendencies."

I can quite see that the Treasurer shares many of the views of the problem facing the Confederation expressed earlier this evening by the leader of the Liberal Party. Let me commend to the Treasurer, indeed to the Premier, indeed to the members of the government, indeed to all members of the House, what John A. Macdonald said in 1865 in the Canadian Assembly—

Mr. Conway: Great fellow.

Mr. Renwick: "I have again and again stated in the House that, if practicable, I thought a legislative union would be preferable, but on looking at the subject in the conference and in discussing the matter as we did, most unreservedly and with a desire to arrive at a satisfactory conclusion, we found that such a system was impracticable.

"In the first place it would not meet the assent of the people of Lower Canada because they felt that in their peculiar position, being a minority with a different language, nationality and religion from the majority, in case of a junction with the other provinces their institutions and their laws might be assailed and their ancestral association, on which they pride themselves, attacked and prejudiced. It was found that any proposition which involved the absorption of the individuality of Lower Canada, if I may use the expression, would not be received with favour by her people."

I commend that quotation for equal consideration with the other quotation the Treasurer used of Sir Wilfrid Laurier. I had occasion to write a letter to the leader of the New Democratic Party on May 13 of this year. It's a "Dear Stephen" letter.

Mr. Conway: Are you taking over again Jim?

Mr. Renwick: I'm not going to quote the whole of it. Parts of it were personal and private in the communication.

Mr. Conway: Oh, the plot thickens.

Mr. Renwick: The occasion for my letter was the publication in the Toronto Sun of a letter from Mike Dare—I speak of him as Mike Dare; he was a lieutenant-colonel but I knew him in the army so I can call him by his first name. I wrote to my leader and I said:

"There are obviously some very interesting developments in what—" and I used last names, not in any sense of disrespect in this letter "—Trudeau is saying, which had a rather bizarre focus with the publication by the Sun of the letter from Mike Dare. Hugh Windsor had what I thought to be an inciteful comment on CBC radio this morning about it as well.

"You will recall no doubt that Trudeau and Bourassa were reported to have had a very tough exchange at a private luncheon not so very long ago. Trudeau seems extremely upset about the corruption evident behind the Bourassa regime, and as you know, there are rumours that Bourassa may call for an election.

"Mike Dare's letter, which indicates that the RCMP were to cease any surveillance of the PQ as a political party, appeared to me, whatever the motive of the person who delivered the letter to the Sun may be, to indicate that Trudeau, who has always been concerned about the Confederation, which indeed appears to be his principal motivation for entering federal politics, must now be saying very clearly that in a way he would welcome Rene Levesque to Ottawa as Premier of Quebec and in a sense underlining his distaste for the Bourassa government as well as admitting the political reality that there's certainly no reason to believe that Rene Levesque will not be Premier of Quebec, just the same as there's no reason to believe that you will not be Premier of Ontario."

Hon. Mr. Handleman. You like to have a little fun, don't you?

Mr. Breithaupt: You could have avoided reading that remark.

Mr. Conway: That was a change of heart, was it?

Mr. Renwick: My letter goes on: "Somehow or other the constitutional question will become of importance, not the dry as dust aspects of the patriation of the constitution or indeed the dry as dust aspects of the amending formula, but the substantial questions about the distributions of powers, including both their modernization and a reallocation of the taxing powers. The great constitutional cases of the 1930s about the distribution of powers and the Rowell-Sirois report on Confederation, which was for practical purposes submerged because of the war, nevertheless, provided the key to the domination of Canadian politics by the federal government, which was reinforced during the war and perpetuated by the Liberal Party ever since. The key was that the federal government could raise money by any mode or system of taxation. It is trite to say that he who commands the money effectively dictates policies, regardless of the distribution of powers.

"One of the big attributes that John Robarts had that Davis does not was a close relationship with Daniel Johnson, Premier of Quebec at the time when the whole question of Confederation was so significant during the 1960s. Davis, because of a political affiliation and personally, would not be able and has not been able to establish any worthwhile relationship with Bourassa. You know my views on the importance of Confederation. In the last analysis, and I say this without any disrespect or lack of understanding of the unique problems of both the Maritimes and the western provinces, the substance of Confederation has always depended upon the fundamental reality of Canadian politics, the triangular relationship between the Prime Minister of Canada, the Premier of Quebec and the Premier of Ontario.

"I hope you will find this at least of sufficient interest to have read this far. I think it is important for you to reflect a little about it at your leisure."

Hon. Mr. Timbrell: He didn't answer it?

Hon. Mr. McKeough: This is what Elmer Sopha described as the big breakthrough in Quebec. Remember that? And they are off on to it again.

Mr. Speaker: The hon. member for Riverdale.

Mr. Nixon: Gee, it is 10 o'clock already. How time flies when you are speaking.

Interjections.

Mr. Renwick: I did want to read, because I thought it said so succinctly the position, as I understand it, of the Premier of Quebec—

Mr. Breithaupt: Quoting from the impeccable and unimpeachable sources.

Mr. Renwick: —a quotation that was reported in the Globe and Mail of December 6, It was a CP dispatch from Montreal, in which they were speaking about Mr. Levesque. It said: "Returning to the question of separation, he said Quebec was not going to approach Ottawa with demands for greater powers in return for staying in Confederation." Then there was this quote: "Independence is a positive thing. It's a basic question of national life, not a matter of trading one thing for another. It is a deep conviction for us but we will not force it on people. We will try to sell it in a legitimate way and then try to accomplish our goal democratically."

I'm not one who is able instantly to analyse, understand or state in capsule form the result of the election of the PQ in the province of Quebec. I'm not interested, even if I were able, in classifying that government. All I know is that I felt an immense sense of relief, yielding to a feeling of joy, as the results came in on that mid-November evening. I am thrilled at the defeat of the Liberal Party in Quebec. The victory of the PQ over the Liberal Party in Quebec opens for Canada new possibilities and new hopes.

Hon. Mr. Rhodes: The ghost of Charles de Gaulle.

[10:00]

Mr. Renwick: For one who has worked in the vineyards since the devastating years of the 1950s and the decades before, it has brought a new hope and a renewed faith in Canada. As Canada nears the 21st century I believe we will have a new constitution which will again unite a divided Canada. It will affirm that the rock on which the independence of the north half of the North American continent is dependent is historically, in time and space, the relationship of the French-speaking people and the province they control with the English-speaking people of Ontario and the province they control.

If those relations can be refashioned with grace, understanding and consideration in the last decades of this century, we will enter the 21st century with a constitution which will reflect the reality of those relations and will be a beacon beckoning us to our destiny to establish a civilized society here in that part of the world called Canada.

Hon. Mr. Davis: Mr. Speaker, after that enthusiastic reception from all sides of the House, it's obvious there's no need really for me to say much to persuade the—

Mr. Cassidy: It was a farewell.

Mr. Conway: Not that you have it to say.

Mr. Speaker: Order; order.

Hon. Mr. Davis: To say too much in order to prevail on all members opposite to support that very enlightened progressively conservative budget of my colleague, the Treasurer.

Interjections.

Hon. Mr. Davis: It's a budget which has done much to stabilize yet at the same time maintain the economic vitality of this province. I'm sure when I'm finished the members opposite will, as one, rise to support the government.

Mr. Conway: —be in a hurry.

Hon. Mr. Davis: I would point out that in the intervening period of time since the Treasurer's budget was first presented that at least one member opposite, who is now not opposite, saw the merit of that budget. The member for London North—

Interjections.

Mr. Breithaupt: Yes, he is.

Hon. Mr. Davis: —who was really the economic and financial critic of the third party in this House—

Mr. Breithaupt: Have you read his speech? He wrote the speech and he gave it and he didn't like it.

Hon. Mr. Davis: —saw just how excellent were the economic policies of the government of this province. As a matter of conscience, he had no alternative but to join the Progressive Conservative Party and the government caucus here in this Legislature.

Mr. Roy: You really don't have much to shout about.

Interjections.

Mr. Speaker: Order.

Mr. Conway: Et tu Brute.

Hon. Mr. Davis: Don't provoke me tonight. I have a very sore throat and I don't want to keep you too long.

Interjections.

Mr. Speaker: Order, please.

Hon. Mr. Davis: I have just a few thoughts—

Interjection.

Mr. Speaker: Order, the hon. member for Renfrew North.

Hon. Mr. Davis: Yes, he is interrupting me, Mr. Speaker, you're quite right. Mind you, his interjections are about as relevant as his prepared addresses, so keep it up.

Mr. Speaker: The hon. Premier.

Mr. Breithaupt: That makes him bang on.

Hon. Mr. Davis: That's right. The member for Kitchener has analysed his colleague well. I understand that. I regret I didn't hear all of the leader of the Liberal Party's address tonight. I understand it was, by and large, constructive and I appreciate that. I would suggest to him, and I say this in the spirit of this time of the year, that his appearance on television and some of his references on television tonight were different and less constructive and I regret that. I've conveyed that impression to him on other occasions.

Interjections.

Hon. Mr. Davis: Do you want me to enumerate what it is you are reported to have said? I would prefer not to.

Mr. S. Smith: Go ahead.

Mr. Speaker: Order, please. Order.

Hon. Mr. Davis: Mr. Speaker, the leader of the Liberal Party raised great concern about, I guess, some pins from my colleague although, I assume, not directly from his own hands. I think he asked a question why some pins were given to—this wasn't on his TV appearance tonight; this was a question of urgent public importance about Ontario pins for some Miss Nude World contest. He was very concerned about where those pins would be placed. I can recall this question being asked by the leader of the Liberal Party.

Hon. Mr. Bennett: He has pierced ears.

Mr. Breithaupt: And where did you stick them?

Hon. Mr. Davis: I would only say this to him, not having had any experience, my guess is, though, it would be easier to find a place to put that pin than it is to find a plank of significance in the Liberal Party in this province.

Mr. Reid: You seemed to think the education plank was pretty good.

Mr. Roy: You are starting to squirm now.

Interjections.

Hon. Mr. Davis: Mr. Speaker, I am being provoked.

An hon. member: Who wrote that?

Interjections.

Mr. Kerrio: You need a new writer.

Hon. Mr. Davis: I hear from the member for Niagara Falls that I need a new writer.

Mr. Cunningham: You need a lot of new things.

Mr. Speaker: Order.

Interjection.

Mr. Speaker: Order, please.

Hon. Mr. Davis: Mr. Speaker, when I look around me and I see some of the people who have been here for a while—

An hon. member: Too long.

Hon. Mr. Davis: —who are pretty able, who are tried and responsible, and then I look across the House, I am awfully tempted to do an Elmer Sopha. I look at the vacant seat—and I understand why; I am not being critical of the Leader of the Opposition—and I go to his immediate left, I go to his immediate right; and I look at the member for Lakeshore—

Mr. Reid: It's scary, isn't it?

Hon. Mr. Davis: —and perhaps the member for York South (Mr. MacDonald), who is away. Then I say to myself, even if I were to reorganize the New Democratic Party of Ontario, after I have said all of those things, where else is there to go? There is a great paucity of talent, we know that—

Mr. Renwick: We have heard that line.

Interjections.

Hon. Mr. Davis: That is what Elmer would do. And I certainly wouldn't do what Elmer would have done.

Hon. J. R. Smith: He is missed.

Hon. Mr. Davis: Elmer would look at his former colleagues across the House—and all the hon. members remember him, or most of them do, so well—and he would be at a loss for words. Poor Elmer just couldn't think of anything to say about the Liberal Party of Ontario at this precise moment. He couldn't

think of a word. But I didn't come here tonight to—

An hon. member: We know what you came here for.

Mr. R. S. Smith: The Premier is not in Elmer's class.

Hon. Mr. Davis: Mr. Speaker, I've got to tell the member for Nipissing, or whatever the riding is, I was in Elmer's class. He says I am not; I've got to tell him I was.

Mr. Nixon: You must have had different teachers; you don't measure up to him.

Hon. Mr. Davis: Oh, no. He did much better in class than I did.

Interjections.

Mr. Speaker: Order, please. Can we get on with the business of the House?

Hon. Mr. Davis: Certainly. I don't want to be interrupted like this, Mr. Speaker.

Mr. Reid: We are just trying to help him out, Mr. Speaker. He has got nothing to say.

Mr. Speaker: Order, please. Several other people are in the same boat, then.

Hon. Mr. Davis: That's right, Mr. Speaker. This evening I am with you—until later on. But I want to talk about the budget because that is what the budget debate is about.

Mr. Reid: It will be a short speech to defend that.

Mr. Wildman: Very good.

Mr. Makarchuk: Another Davis profundity.

Hon. Mr. Davis: I would say to the member for Brantford that before I am finished, he may find one or two profound things that he and some of his colleagues might think about.

Mr. Makarchuk: Like Rondo, for example.

Hon. Mr. Davis: Perhaps when we get to the conclusion the hon. member might just give some consideration to one or two thoughts I have tonight.

However, I want to deal with non-controversial matters first. I want to deal with the budget, because it was a budget aimed at simulating our growth and sharing equity in the management of costs and protecting the average citizen against the ravages of inflation. It forms a consistent element of an economic strategy which has contributed to a real drop in the rate of inflation—not just a fictitious one—which has served to protect the buying power of the working men and women of our province. It is a strategy which both opposition parties have consistently opposed from time to time, with the present opposition position being led by the New Democratic Party.

Mr. Reid: We are against deficits of the size you bring in.

Mr. Speaker: Order.

Hon. Mr. Davis: The no-confidence motion put forward by the NDP is a clear statement of their agenda for government, their cynicism and their negative approach.

Interjections.

Hon. Mr. Davis: While I really don't want to be provocative tonight—

Mr. Cassidy: You are.

Hon. Mr. Davis: —because I was provoked a little earlier—and I will be referring to it and to the member for Sudbury—I think it is a clear indication of the subtle transformation that has taken place in the last few months in the party opposite.

Mr. Angus: Yes, you guys have shaped up.

Hon. Mr. Davis: I sense the idealism is gone; the hope is gone.

Interjections.

Hon. Mr. Davis: It has all been replaced with an umbrella of cynicism and defeatism about much that challenges Ontario and her people.

Interjections.

Mr. Reid: We always find them that way.

Mr. Speaker: Order, please.

Hon. Mr. Davis: I've read it very carefully and the non-confidence motion advanced and amended places the NDP four square in the position of personifying cynicism in every respect.

Interjections.

Hon. Mr. Davis: Let me deal directly with Reed Paper and our memorandum of understanding, a classic target for the cynical and the negative.

Mr. Moffatt: Memorandum of misunderstanding.

Interjections.

Mr. Speaker: Order, please.

Hon. Mr. Davis: Yes, they really are being very unruly, Mr. Speaker. It's something beyond the comprehension of those opposite that any agreements between a government and a private company can bring any good.

Mr. Cassidy: That agreement and Reed's record.

Mr. Renwick: That agreement; not any agreement.

Mr. Speaker: Order, please.

Hon. Mr. Davis: It is totally outside their minds—

An hon. member: Where's Jack Stokes?

Interjections.

Mr. Speaker: Order, please.

Hon. Mr. Davis: It's outside their frame of reference.

Interjection.

Hon. Mr. Davis: Mr. Speaker, I exclude the hon. member to the geographic left of the member for Riverdale (Mr. Renwick). It is beyond their public comprehension that the government or the company would live up to a set of conditions which sought jobs and development for northwestern Ontario—

Interjections.

Hon. Mr. Davis: —through a carefully-phased and exhaustive examination of the public interest, the environmental aspects, the economic, our native people and developmental aspects.

Mr. Reid: You only came to that reluctantly.

Hon. Mr. Davis: That happens to be exactly what we are doing.

Interjection.

Hon. Mr. Davis: The difference between us over here and those people over there—this is a matter of record, thank heavens—

Mr. Cassidy: Vive la difference.

Hon. Mr. Davis: —is that they would not even have tried to do anything. They would have shelved the whole deal. They would have pigeon-holed all of northwestern Ontario simply because it was easier, less controversial and less in conflict with their own narrow approach.

Interjections.

Mr. Makarchuk: Don't defend the indefensible.

Hon. Mr. Davis: Mr. Speaker, this government must serve all of the—

Mr. Cassidy: Your problem is selling the province for a mess of pottage.

Mr. Speaker: Order.

Interjections.

Hon. Mr. Davis: A mess of pottage? Are you going to put that on your next circular to your constituents? You should see the bulletin of the member for Ottawa Centre to his constituents. Have you seen it?

An hon. member: Did you fill it out?

Hon. Mr. Davis: It solicits support for the New Democratic Party. I don't know whether that's good or bad, but that I understand. Then it has a series of questions—that's tremendous.

Interjection.

Hon. Mr. Davis: One of the questions to his constituents is—and this opposite a very flattering picture of the member for Ottawa Centre—

Mr. Reid: That's impossible; technology isn't that good.

Hon. Mr. Davis: —which is not easy to achieve, but it's right there.

Hon. Mr. McKeough: It must have been retouched.

Hon. Mr. Davis: He says in his questionnaire: "Which party do you think can best govern Ontario?" He has the three parties listed.

Mr. Breithaupt: And a fourth space for, "None of the above."

Hon. Mr. Davis: I'll make a prediction: If he got back a totally objective analysis, even from his riding, his party would not come ahead in that question. I give him that information.

Interjections.

Hon. Mr. Davis: I say this to the member for Wentworth—do you know what the next question was?

Mr. Cassidy: That's the unfortunate one.

Hon. Mr. Davis: Do you know what it was? I've got to tell you what it is: "Which party leader do you think has the most sex appeal?" It's right there in writing.

Mr. Angus: And they all said Lorne Henderson.

Interjections.

Hon. Mr. Davis: I don't back off from any challenge.

Mr. Speaker: Order.

Hon. Mr. Davis: It lists the three party leaders. I've got to tell you—which of the three party leaders do you think has the most sex appeal?—I can see the member for Ottawa Centre now; if the report comes in that his leader has less he'll have to find some other riding or some other profession. I'll give him a straw poll and tell the member for Wentworth that if the young ladies in their caucus are any example of what reaction might be to that question, they are in trouble as a party, and you know whereof I speak.

I only digressed because I was provoked, Mr. Speaker.

Interjections.

Hon. Mr. Davis: That is a great pamphlet. I commend it to the attention of all members.

[10:15]

Mr. Deans: We have three girls who are going to be fired in the morning.

Hon. Mr. Davis: You have some very nice people in your caucus office. Get them back to business.

Speaking of the north, we don't intend to write it off like the members opposite. They are ready to write off their own constituencies.

Mr. Angus: No way.

Hon. Mr. Davis: We will not write off the north. We will not accept that our native people should not have a chance to share in the prosperity with others.

Mr. Makarchuk: You are sharing your mercury with them.

Hon. Mr. Davis: We will not accept the fact that when town councils and elected municipal and provincial representatives seek economic opportunity for the people they serve, the government should turn a deaf ear as would our friends opposite. We don't intend to ignore them.

Mr. Makarchuk: Are you going to change the rules?

Hon. Mr. Davis: The New Democratic Party is so busy institutionalizing envy that they have lost touch with the economic needs of the people of this province. Their opposition to this budget is further proof of that insensitivity. I am really surprised they are not supporting it.

Mr. Conway: The member for London North didn't.

Interjections.

Hon. Mr. Davis: I have made reference in the past to their obsession with the pie. I use it because I don't have the same command of the language as some of the members opposite but I know about pie.

Mr. Warner: One day you are going to eat humble pie.

Hon. Mr. Davis: Oh, I am a very humble person. You should learn a little humility and you would go further. It is something you people haven't learned over there. I am just amazed at how some of the members opposite in that party in particular have all the answers after one year.

Mr. S. Smith: You don't have any of the answers.

Hon. Mr. Davis: I have been here since 1959, and I know some of you will say it's too long, but I must confess I don't have all the answers to all of the problems.

Mr. Reid: You don't even know the questions.

Hon. Mr. Davis: I know I don't. However, I am this bold as to say I have more answers than some of the members opposite. Mind you, I have got a lot more able help than the members opposite too.

Mr. Reid: Oh, no.

Mr. S. Smith: There goes the humility.

Hon. Mr. Davis: But I am talking about the economic pie.

Mr. Breithaupt: Let them wake up and stand up.

Hon. Mr. Davis: Did I hear from the member for Kitchener? I remember when he used to be the economic expert in that party.

Mr. Breithaupt: I am still not all that badly off.

Hon. Mr. Davis: Those were the good days. His party had more members then.

Mr. Breithaupt: We've never had more.

Hon. Mr. Davis: No, I should say a higher percentage of the total; that's right.

Mr. Sweeney: You never listened. That's why you are in so much trouble.

Mr. Breithaupt: The member for London North wanted a chance but he blew it.

Mr. Speaker: Order, please. Everyone else has had the opportunity to debate this matter. The hon. Premier.

Hon. Mr. Davis: In simple terms, getting back to the pie, if I may, we seek to make it bigger through economic growth and through vitality so everyone can have a fair share of that pie, but members opposite simply seek to divide it again and again without any thought of growth until they are scratching the bottom of an empty plate.

Mr. Sargent: Look who is talking about the pie.

Hon. Mr. Davis: In simplistic terms, that is your approach to economics.

Mr. S. Smith: And ours is the only party that will do both.

Mr. Breithaupt: Your share of the pie is more crust.

Hon. Mr. Davis: As the leader of the third party should know, and I am sure he does—

Mr. Sargent: It is a bunch of nonsense.

Hon. Mr. Davis: I am sorry the member for Grey-Bruce is leaving. He is concerned about nonsense.

Mr. Sargent: You gave the same speech last year.

Hon. B. Stephenson: The member wasn't here.

Hon. Mr. Kerr: Who told him?

Hon. Mr. Rhodes: Who read it to him?

Hon. Mr. Davis: I have to tell him that if anybody knows anything about nonsense, there is not a better expert in the House than the hon. member for Grey-Bruce.

Mr. Speaker: Will the member for Grey-Bruce either leave or take his seat?

Hon. Mr. McKeough: Get out. Go on, leave. Goodbye.

Mr. Sargent: Tell us about the deficit.

Mr. Speaker: Order, please.

Mr. Sargent: How much deficit have you got?

Hon. Mr. Davis: You are embarrassing your leader again.

An hon. member: That is hard to do.

Hon. Mr. Davis: The member embarrassed his leader earlier this week. He is embarrassing him again tonight. He can only take so much embarrassment. But as the leader of the third party should know, Mr. Speaker, the NDP is not totally opposed to free enterprise or individual freedom. They define it differently, if I can phrase it that way. Free enterprise for them conjures up visions of government insurance plans—

Mr. Conway: Of good severance pay.

Hon. Mr. Davis: —in British Columbia or Manitoba, where those enterprises were free of competition, we understand that. They were free of good customer service and they were free of balanced books, that's the NDP approach to free enterprise.

Interjections.

Hon. Mr. Davis: Their type of free enterprise, as they define it and as we understand it—and the member who's leaving out the back door because he knows what I'm saying is true—their type of free enterprise is over-regulation, over-taxation; simple job-destroying discouragement of the resource industry. They would seek that kind of enterprise and see it operating free of initiative, free of freedom and free of profit; that we acknowledge.

Interjections.

Mr. Cassidy: That's almost as bad as Darcy's statement.

Hon. Mr. Davis: Listen, do you want me to go back to your pamphlet again? Don't tempt me.

That's the type of free enterprise, Mr. Speaker, this province can do without.

And that brings me to that part of the motion that the New Democratic Party have placed, with jobs and job creation. You know, in their obsession with the pie they forgot some basic geometric realities. The reality of one piece getting smaller if another gets bigger. And let's hold up their logic to scrutiny—it won't be easy.

We have a tax exemption on production machinery and equipment to promote indus-

trial growth, expansion and job creation, a very enlightened piece of legislation.

Ms. Bryden: How many people?

Mr. Cassidy: Prove it.

Mr. Speaker: Order, please.

Hon. Mr. Davis: I've got to tell them this, those people voted for it on second reading.

Mr. Eaton: That's right, I was there!

Mr. Roy: Then they changed their minds.

Hon. Mr. Davis: I want Hansard to show the New Democratic Party of Ontario voted for that bill on second reading. They did.

Interjections.

Hon. Mr. Davis: The member for Wentworth did vote for it. I didn't see him voting against it. What, was he neutral?

An hon. member: The NDP House leader wasn't here.

Hon. Mr. Davis: The House leader was busy conducting his own survey.

Mr. Deans: I was trying to figure out if we could afford it.

Mr. Speaker: Order.

Hon. Mr. Davis: Their motion calls for job creation, and their finance critic, in her budget speech, said they would eliminate that exemption, I think that's fair to state. That's the type of logic that Dave Barrett would be proud of. He would understand it and he would accept it.

But I want to read into the record a letter received by the Treasurer from a Mr. Malcolm Mallory, president of Rubbermaid Limited. It happens to be in the Mississauga riding that I used to represent. I want to quote from the letter, Mr. Speaker, and I'll read it very rapidly:

"The Hon. W. Darcy McKeough,
Treasurer of Ontario, Minister of Economics and Intergovernmental Affairs,

Frost Building, Queen's Park,
Toronto.

"Dear Mr. McKeough:

"I am writing to offer my sincere congratulations for having the courage to make the decision you did in continuing the sales tax exemption for production machinery."

Mr. Breithaupt: Oh, that's courage.

Mr. S. Smith: A lot of courage.

Mr. Speaker: Order.

Hon. Mr. Davis: Let me finish the letter, I'm only quoting.

Mr. S. Smith: That is creating a lot of jobs, I'm sure.

Hon. Mr. Davis: "This is most certainly a positive measure and will be one badly needed inducement for Ontario manufacturers to provide capital for investment in productive equipment. The only regrettable consequence of this forthright decision is the absolutely regrettable and irresponsible comment made by the Leader of the Opposition, Stephen Lewis, and the leader of the Liberal Party, Stuart Smith. Mr. Lewis has stated"—and I'm still quoting from the letter because I wouldn't say these things—

Mr. Breithaupt: Is he your campaign manager?

Hon. Mr. Davis: " 'It is really quite breathtaking to be giving away this amount of money to create jobs when there's not a single study to show it has created any.' " That is Mr. Mallory's quote from the Leader of the Opposition. I now go on to quote Mr. Mallory:

"I can offer Mr. Lewis tangible evidence that my company is investing money in expansion and growth requiring productive equipment. No small part of this decision to invest further capital in our business has been the availability of sales tax exemption.

"Congratulations, keep up the good work.

"Yours very truly, M. R. Mallory," of Rubbermaid of Canada.

Mr. S. Smith: Michael Gee?

Mr. Foulds: How many jobs?

Mr. Breithaupt: One swallow doesn't make a summer.

Hon. Mr. McKeough: And that is just one of thousands of letters we had.

Hon. Mr. Davis: That's right, thousands of them!

Mr. Moffatt: The perfect non sequitur.

Mr. Roy: How many letters?

Mr. Speaker: Order, please. Order. The hon. Premier will continue.

Hon. Mr. Davis: Let me deal briefly with that part as it relates to agricultural land,

one of our favourite subjects. I want to take all of these in order, in a sensible, logical, friendly sort of way until I get to the end.

Mr. Warner: When you get to the end you are going to resign, I hope.

Hon. Mr. McKeough: You are vulnerable over there. You are a little vulnerable in that party.

Mr. Speaker: Order.

Hon. Mr. Davis: I say to the hon. member for Scarborough wherever, I will have something—

Hon. Mr. Kerr: An overnight guest.

Hon. Mr. Davis: —to say about resignations at the end of my remarks. Yes, I will.

Dealing with agricultural land, this is an issue which is tailor-made for the people in the New Democratic Party. It's one that gives them the formula scare approach which they call love. They do it by frightening people but they call it love. The politics of fear, some might call it, although I, for one, would not be quite so controversial.

The Minister of Health has to go and check his swine flu shot; so do I.

In simple terms they have once again distorted an issue. The issue is food production and agricultural acreage and the relationship of that production to the needs of our province and its people. There are some facts here which our friends opposite are reluctant to make reference to; that's not unusual.

In our major agricultural district, southwestern Ontario—they are not too familiar with that area—

Hon. Mr. McKeough: Thank God.

Hon. Mr. Davis: —we find more than 5.36 million acres being farmed now in 11 counties and regions. Potential food lands not being used for farming or anything else amount to more than 66,000 acres or a bit more than one acre in reserve for every 100 acres being farmed. That seems appropriate for an area of intensive agricultural use.

Mr. S. Smith: We had planned to vote with you.

Hon. Mr. Davis: Moving to eastern Ontario—

Mr. Bain: You forgot the Niagara Peninsula.

Hon. Mr. Davis: I'll get to the Peninsula; give me time. I'm going west and then east.

Mr. Speaker: Order, please.

Hon. Mr. Davis: In fact, we're going to Welland in particular. We think that's a highly desirable area.

In eight counties and regions in eastern Ontario we find more than 27 acres of potential food land in reserve for every 100 acres being farmed. Agriculture is still thriving on 1.45 million acres in this area stretching roughly from Oshawa to Niagara, and the reserves of potential agricultural land amount to well over a quarter of a million acres.

The point here, and I know it's simplistic, is that there has been a tremendous increase in per acreage production in the agricultural industry. As a whole, based on physical volume, there has been a 95 per cent increase over a 20-year period spanning from 1951 to 1971.

Mr. Cassidy: But we import more and more of our needs.

Hon. Mr. Bennett: That is because of desire.

Mr. Cassidy: That is because of need.

Hon. Mr. Davis: I want to touch on the area of occupational health but very briefly. I want to compliment the minister and to say to all members of the House, that I think with the bill we have passed, we have made a very significant step forward in terms of the occupational health of our citizens.

I have been asked a number of questions and I want to deal specifically with the question of rent control. That emerges in one of the subamendments—I forget which order it is in—and it's a matter in which our friends opposite should have, with their friends in the third party, an all-abiding concern.

The present rent review legislation has many administrative problems. We acknowledge it; they're there. Members opposite made many amendments to what was initially more simple legislation. They will all recall it.

[10:30]

Mr. Roy: Oh, yes, it was very simple.

Mr. Cunningham: It would be cheaper to give the money away.

Hon. Mr. Davis: Their concern now over the difficulties in bureaucracy is interesting and revealing, and I'm sure some of the members opposite wish they could have a second go-round at it.

Mr. Roy: You're really backing off.

Hon. Mr. Davis: In fact, Mr. Speaker—

Mr. Roy: Talk to your minister who was suck-holing around here.

Mr. Speaker: Order. Order.

Hon. Mr. Davis: —Saul on the road to Damascus, some would say to the member for Ottawa East.

Hon. Mr. Rhodes: He ought to learn the English language and keep it clean.

Hon. Mr. Davis: Quite right. This government has asserted on a number of occasions its firm conviction that the anti-inflation programme can only be successful if it is carried out as a national effort. For that reason this government entered into a programme inaugurated by the government of Canada, and into an action that was eventually sustained by resolution of this House with great enthusiasm.

At the moment, there is considerable discussion both about the length of time the controls should continue to apply in this country and the measures that will be appropriate when those control measures come to an end. Indeed, we have already announced a major Ontario initiative in calling together leaders from business, industry and the unions to discuss this matter with us early in the new year.

Mr. Nixon: Is it going to be held in Tel Aviv?

Hon. Mr. Davis: No, it will be after that. One of the great regrets the member for Brant-Haldimand-Norfolk has had in his political career—

Mr. Nixon: You never get it right—along with everything else.

Hon. Mr. Davis: —is that he has never been over here so he could go on some of those exotic trips. I know it, I can tell it every time he raises it. I've got to tell him, it's a lot of work as well.

Mr. Nixon: I just wish I didn't have to pay for yours.

Mr. Cunningham: Tell us about that Italy trip.

Mr. Nixon: Are you going to take Piccininni with you on this one?

Hon. Mr. Davis: Hopefully, out of these discussions, a sensible, workable approach to the matter, which is so important to the economic well-being and future of this country, will emerge.

Mr. S. Smith: Are you going to put out a nice glossy on this one too?

Mr. Nixon: Who pays for the cameraman?

Mr. Breithaupt: Eddie Goodman and his Brownie.

Hon. Mr. Davis: Clearly, in attempting to maintain effective control over both wages and prices, no important area of expenditure affecting the average citizen can be neglected.

For many people, the most important expenditure of all is the rental payment that must be made month after month. At the same time that the AIB programme was being launched in this country, this Legislature gave approval to rent control legislation that has had much to do with maintaining an effective lid over increasing rental charges during the past 18 months.

Ms. Bryden: You were pushed into that.

Hon. Mr. Davis: Not really. The hon. member should have been with me with the first minister at lunch on that Thanksgiving. We weren't pushed; we were politely asked: "Join the anti-inflation programme, which included rent controls.

Mr. Breithaupt: Or no dessert.

Hon. Mr. Davis: While that programme has been independent of the AIB, it certainly operated in parallel with it and towards the same major objectives. Under these circumstances it is clearly reasonable to believe that rent control cannot be brought to an end independently of the termination of the AIB programme in total. Or, to state it in a reverse fashion—

Mr. Cassidy: It is reversed.

Hon. Mr. Davis: —as long as we have AIB regulations, it is clear that we must also have some form of rent control.

Mr. Roy: Sid, are you going to take that?

Mr. S. Smith: You are the minister of a mess.

Mr. Reid: Are you resigning, Sid?

Mr. Nixon: You're going to give that job to the member for Ottawa West.

Interjections.

Mr. Speaker: Order, please. The hon. Premier only has the floor.

Hon. Mr. Davis: That's right.

Mr. Roy: You have made your minister very mad at you.

Mr. Speaker: Order, please, the member for Ottawa East.

Hon. Mr. Davis: Only I have the floor.

Interjections.

Mr. Speaker: Order.

Hon. Mr. Davis: The members opposite are going to support it, I tell them now.

Mr. S. Smith: There will be one cabinet shuffle.

Mr. Speaker: Will the hon. Premier continue, please?

Mr. S. Smith: There will be one more cabinet shuffle. Sid won't do it, you know; he won't administer a mess.

Hon. Mr. Davis: Mr. Speaker, I want to give some advice to the leader of the third party: He should be so fortunate to have so few problems internally within his party as I have within mine.

Mr. S. Smith: You are still going to have to deal with him.

Hon. Mr. Davis: His life would be relatively simple.

Hon. Mr. McKeough: Have you found a new seat yet, Stuart?

Mr. Breithaupt: What size parka do you wear, Sid?

Mr. S. Smith: Maybe Sid can privatize the campgrounds for Leo, and Leo can give away Gray Coach for Jim; then Jim could close the hospitals for Frank.

Hon. Mr. Davis: Just look at the anticipatory smile—that's a good way of describing it—on the face of the member for Ottawa East.

Mr. Roy: What?

Hon. Mr. Davis: He knows what I mean.

Mr. Roy. No, I don't. Explain.

Hon. Mr. Davis: Does he want me to tell the world?

Mr. Sargent: You know why, because they are all a bunch of dummies over there.

Some hon. members: Oh, oh.

Hon. Mr. Davis: Mr. Speaker, I want to say to the leader of the third party how questionable his judgement has become in the last few moments by promoting the member for Grey-Bruce to the front row. I just can't understand it.

Mr. Roy: Eddie will take on Lorne anytime.

Mr. Nixon: You and Frank too.

Hon. Mr. Davis: I am not so sure.

Mr. S. Smith: Where is Bob Johnston?

Hon. Mr. Davis: I want to make it clear, therefore, to both the members of the House and the general public of this province that this is the position of the government of Ontario in regard to the policy we will follow after July 1, 1977.

Mr. S. Smith: Took you long enough.

Hon. Mr. Davis: As a result we shall, during the spring session, introduce legislation that will ensure continuation of a form of rent control programme following that date. So, to the member for Ottawa Centre who I know can hardly wait to make speeches I say, for the next three months relax, enjoy yourself, tabulate your questionnaire, show more people that picture on there.

Hon. Mr. McKeough: And burn the results.

Hon. Mr. Davis: And burn the results, as the Treasurer would say.

Hon. Mr. Bennett: Be sure to write and tell Mr. Greenberg right away.

Mr. Roy: It is the speeches of the member for Carleton that I am anxious to hear.

Hon. Mr. Davis: Listen, there is no problem.

Mr. Roy: It is a mess.

Hon. Mr. Davis: If the member would listen to him more often he would have fewer problems.

Hon. Mr. Rhodes: You may not be so glad, boys.

Hon. Mr. Davis: Now, Mr. Speaker, I am coming to the conclusion, if I can rush this along, in my remarks.

Mr. Deans: Come to the end.

Hon. Mr. Davis: No, no, I never come to the end, I come to a conclusion.

Mr. Speaker, I indicated that I would use the opportunity of these brief remarks to

deal with our participation at the first ministers' conference earlier this week and any reactions we might have to the participation of our sister province of Quebec at that meeting. Let me say at the outset—

Mr. Sargent: You weren't very impressive down there.

Hon. Mr. Davis: Oh, that is not what some people have said. But I would agree; I am very modest. I am not out to impress, as the member for Grey-Bruce is. I am just not that kind of person.

I will say at the outset we wanted more, but that wasn't the sole issue at this conference. The concessions made by the federal government with respect to the revenue guarantee and the change in basic policy and principle were significant.

Mr. Warner: This speech has had a great effect on the Minister of Transport.

Hon. Mr. Davis: The federal government moved from zero to two points, largely because the provincial consensus on the issue of revenue guarantee held long enough for the federal government to sense the importance of responding. That provincial consensus held largely because of the leadership and direction provided by this province and particularly by the Treasurer and Minister of Intergovernmental Affairs of this province, the hon. member for Chatham-Kent.

Interjections.

Mr. S. Smith: Such enthusiastic response; there goes the leader. Try the Attorney General and see if he does any better.

Interjections.

Hon. Mr. Davis: Oh, be patient.

Mr. Deans: Would you do that again? It was really weak applause.

Hon. Mr. Davis: That provincial consensus held largely because of the leadership and direction provided by this province and particularly by the Treasurer and Minister of Intergovernmental Affairs—

Mr. Breithaupt: Now let's hear it.

Hon. Mr. Davis: —of our own province, the hon. Darcy McKeough, the member for Chatham-Kent.

Mr. Breithaupt: Now.

[Applause]

Interjections.

Mr. Peterson: Did he shout at them all? How did he handle it? Did he shout them all down or what?

Mr. S. Smith: Call time for the Attorney General. Call time for the Attorney General.

Hon. Mr. Davis: I have to tell the leader of the third party that the Attorney General in this province—

Mr. Breithaupt: Is second to none?

Mr. S. Smith. Get ready now.

Hon. Mr. Davis: —has the capacity to make his own equal time. He doesn't need any assistance from me, do you, Mr. Attorney?

Hon. Mr. McMurtry: Absolutely not.

Hon. Mr. Davis: Absolutely not.

Mr. Reid: The Supreme Court will only carry him so long.

Hon. Mr. Davis: These men and women on this side don't need to be propped up like some of their colleagues opposite. They really don't.

Mr. S. Smith: Speaking of that, where is the member for St. Catharines (Mr. Johnston) tonight?

Hon. Mr. Davis: Where is the member for St. Catharines tonight? He is unwell.

Mr. Cassidy: He is always unwell.

Mr. Reid: Can't argue with that.

Mr. Breithaupt: How can you tell?

Hon. Mr. Davis: I don't know.

Mr. Cunningham: Got on the wrong bus.

Hon. Mr. Davis: Let me say as well that the present government of Quebec, separating its long-term goals from short-term, was generally most supportive of the provincial consensus both in public and in private. I did not hesitate to disagree with the Premier of Quebec when he advanced the view that the tensions and ongoing negotiations were symptomatic of a federal system which did not work.

In response to a statement from the first minister of this country when he used the phrase, as I think I expressed it, of our system really relating to one of accommodation, I suggested to the first minister that four points would illustrate a combination very nicely. I went on to make these observations—I have thought about them since and I believe them to be right—that the ten-

sions which do exist in this country make it different in a qualitative sense from our friend to the south.

I look to the south not as some of the rest of you do; I even go there on occasion, as do some of the rest of you; but I don't ever recall there being a series of conferences between the President of the United States and the governors of the states to discuss constitutional reform and fiscal matters. There has never been that sort of dialogue, that sort of communication.

We have had that here in this country and I know the leader of the Liberal Party who—

Mr. S. Smith: They have used it. They have had a constitutional amendment. It is a totally different system.

Hon. Mr. Davis: Certainly, that is the point I was making to the Premier of Quebec. It is a totally different system and I think, as a result, the quality of what has emerged from the system in this country is better for our purposes, if I can phrase it that way, than the system which exists in the United States. I think it is fundamentally better.

Mr. Cunningham: You borrow your money from them. You be nice to them.

Hon. Mr. Davis: I would say, if you don't want to take this matter seriously, we borrow money from a number of places.

Mr. Cunningham: You bet you do.

Hon. Mr. Davis: Perhaps you do, too, I don't know.

Mr. Cunningham: I will tell you I get better rates than you do.

Hon. Mr. Davis: I don't know anything about the member from wherever—

Mr. Sargent: Why don't you tell them you are at the end of the line? You can't afford their money.

Mr. Speaker. Order, please.

Hon. Mr. Davis: That isn't quite right either. The member for Grey-Bruce may be at the end of his line of credit but this government is not.

Interjection.

Hon. Mr. Davis: How are your Team Canada sweatshirts going?

Mr. Roy: There is no end of the line.

Hon. Mr. Davis: I want to comment very briefly on the new government of Quebec. It is my impression that the government of Quebec is evaluating every issue on its own merits. It is taking a look at each issue as it emerges in the national context and it is doing so with a view to long and short-term objectives. I found the Prime Minister—I know some members may be surprised at this—while still not as sensitive to provincial fiscal concerns as we would like him to have been or as open to reasonable compromise when the provinces stood firmly, I do believe it represents progress for national unity and regional reconciliation.

It was a major step forward for the government of Canada to recognize that the time had come—a position advanced by Ontario and Quebec some years ago—when we should have the fiscal resource to administer those programmes for which we are basically responsible. That is the kind of accommodation, the kind of reasonable progress, which has enabled this country to move ahead in the past and I am an optimist—I think it will continue to do so in the future.

I want to touch on a related area because it has been mentioned by one or two members in this House. I would say to them as I introduce these remarks that I recognize the sensitivity of this area. I would refer them to Mr. Levesque's statement to the first ministers' conference when he was, I think, pretty categorical that he was not, as Premier of Quebec, concerned about the bilingual policy of the government of Canada.

I would say to the leader of the Liberal Party in this province that Mr. Levesque's predecessor, a Liberal, really was not concerned about the kind of policy we have for Franco-Ontarians which did not in any way relate to his policies, his concerns, within his province of Quebec. I say, with respect, my view is that will be the attitude of the new Premier of Quebec as well.

Mr. S. Smith: That is right, he is against it.

Hon. Mr. Davis: I would say to the leader of the Liberal Party that I support—

Interjections.

[10:45]

Mr. Speaker: Order, please. The hon. member had his opportunity to speak. Order.

Mr. S. Smith: He says just separate. You don't even understand.

Hon. Mr. Davis: I am just giving the member a few personal thoughts. Don't get excited. I am trying to help him with this, and help myself and everybody. Come on.

Mr. Roy: Yes, misguided.

Mr. Nixon: You should have been here to listen to his speech.

Mr. S. Smith: If you had heard my speech you would understand.

Mr. Sweeney: That is the problem. He doesn't understand. That is the problem.

Hon. Mr. Davis: May I say to the member for Hamilton West that the policy we have adopted here is a reasonable one. It's clear and it's direct. We are committed to providing, where it is reasonable and practical, French language services to the francophone residents of this province. This is their home. We are their government as much as we are the government of the anglophone majority.

The 110,000 students in over 350 French-language schools across Ontario benefit from a policy of which all Ontarians can be proud. Trial programmes in French-language service delivery are proceeding in many areas.

Mr. Cassidy: It has always been a struggle to get them.

Hon. Mr. Davis: I want to be clear on one point—and I'm not going through a litany of all of the things that are being undertaken—this government is not interested in a programme based on deadlines, overblown publicity, moralizing, and self-proclaimed self-righteousness. That type of programme just doesn't work.

Interjections.

Hon. Mr. Davis: I resent, Mr. Speaker—and I don't often resent things, although there's another subject in a moment or two—the statement attributed in Hansard on December 2, to the NDP member for Cochrane South (Mr. Ferrier), and I quote: "I don't think this government had a significant commitment to any kind of bilingualism. Any kind of commitment they have had has been mere tokenism."

An hon. member: Right on. Right on.

Mr. Warner: It's so evident.

Hon. Mr. Davis: I know the hon. member relatively well. He was a former constituent. But I say to him, because he's a very fair-minded man, that is a cheap remark, it is unseemly and it is less than fair. It just is not true.

Mr. Samis: That's pretty cheap yourself.

Hon. Mr. Davis: It really represents a cavalier attitude towards any pragmatic concern for French-English harmony in relations which is unbecoming any political party in this province.

Mr. Cassidy: We would—always creates resentment among francophones.

Hon. Mr. Davis: Our commitment to provide, reasonably, practically and economically, French-language service to our French-speaking citizens, will not be deterred by that type of sniping or irresponsibility.

Mr. Cassidy: A lot of it has come because of pressure from this side of the House and from the francophone community.

Hon. Mr. Davis: Irrespective of administrative difficulties, which we will seek to deal with, we think our programme is fair, it is practical, it is cost effective, and it is reasonable, and that is exactly how this programme in our province is going to remain.

Mr. Sargent: This is the worst speech the Premier has made in his life.

Hon. Mr. McKeough: Oh, get off it.

Hon. Mr. Davis: In seeking the confidence of the House—

Mr. Bullbrook: Lorne, you believe in bilingualism, don't you?

Hon. Mr. Davis: I am delighted the bilingual member for Sarnia is back with us here tonight. It's a pleasure. He has moved a seat.

Mr. Bullbrook: I have been demoted slightly, sir.

Hon. Mr. Davis: Moved it more than slightly?

Mr. Speaker: Will the hon. Premier please continue? Thank you.

Mr. Bullbrook: Demoted, it's an English word.

Hon. Mr. Davis: Oh, I see, you've been demoted. I'm sorry, I didn't hear you.

Mr. Speaker: We're keeping Her Honour waiting.

Hon. Mr. Davis: I would say that if the leader of your party has demoted you, he has made a fundamental error again. I wouldn't have demoted you at all.

Mr. Bullbrook: The greatest applause you have got on your bilingualism policy was from Lorne Henderson.

Hon. Mr. Davis: He probably understands it better than you do.

Mr. Sweeney: If he understands it, you are really in trouble.

Mr. Speaker: Order, please. Could we get on with the debate now, please? Thank you. Order.

Hon. Mr. Davis: In seeking the confidence of the House, as is my responsibility on this budget wind-up—and I don't do this lightly and I have never really done this before—I want to apprise the House of my own deep disappointment, my disgust and anger at the conduct of certain members of the public accounts committee.

This morning in a national newspaper 800 medical practitioners in this province were exposed to a level of cheap, underhanded and malicious politicking which is a scar on the face of the political life of this province. Those doctors, to my knowledge, have committed no crime. They have received payments from the Ontario Health Insurance Programme for services which they dispense to the citizens of this province. There's no relationship in any necessary way between the amount of money paid to them by OHIP and their personal income before taxes. Many pay large groups of technicians and nurses. Many have large overheads which relate directly to the services they dispense. Yet they have been exposed so as to imply that they have somehow cashed in unfairly.

Mr. Philip: That's not so.

Hon. Mr. Davis: That is sick. It is unfair, it is repulsive and it is a very sad commentary on the priorities of some members opposite. It is a matter that angers me and depresses me personally and I think it should gnaw at the conscience of every member of this House and any citizen of this province who cares about an open and responsible political process.

The member for High Park-Swansea seems to feel that his responsibilities are discharged through an apology and a resignation from a committee. The sacred responsibility of this House to deal with all citizens fairly and to respect their natural rights would require more than an apology from a member concerned about his or her public responsibility. Let me make this as clear as I can. If a member of my caucus had violated a resolution of confidentiality moved by another member of my caucus and approved by the committee, I would ask that member of my caucus to resign his seat in the House.

[Applause].

Mr. Deans: Don't applaud too loudly.

Hon. Mr. Davis: Moreover, a member of my caucus who was a chairman of a public accounts committee who had a warrant signed with a signature from members of the committee who were by the way available would be asked to resign his chairmanship of that committee. I saw him doing it over there.

Mr. Foulds: Why didn't you ask Ed Havrot to resign?

Interjections.

Mr. Speaker: Order please, the hon. member for Port Arthur.

Hon. Mr. Davis: Further, members who share my political affiliation who race from courthouse to committee room to effectively deny a group of citizens their fair day in court and their right of appeal through fast footwork would not be welcome within the caucus.

Interjections.

Hon. Mr. Rhodes: Their halo has slipped.

Hon. Mr. Davis: There are three party leaders in this House and it is no simple responsibility to discharge, and I acknowledge it. I acknowledge the apology of the Leader of the Opposition, but I am also hoping that the acting Leader of the Opposition, will convey to him what I have said would be my reactions with respect to the members on this side of the House. I have indicated that we all have to discharge our responsibilities and I have indicated to you, Mr. Speaker, and to the people of this province how I would discharge mine.

One of the values of minority government —and it has been a value—is that the responsibility of running the legislative affairs of this House is more generally shared. I have said this to the House leader for the New Democratic Party and some of my colleagues may be upset but I compliment him. He has made a genuine effort to make this system work. So has the member for Kitchener. He has had more problems, I expect, internally in endeavouring to do it.

I think the people of this province have been served by minority government. I don't pretend to like it—I would rather have a majority and I have news for the members—some day we are going to have that but that's not tonight; commencing with tonight.

Mr. Reid: No, you won't—

Mr. Nixon: You had it before you let Mr. Havrot run for you.

Hon. Mr. Davis: One of the values has been the responsibility—and I use the term responsibility because in today's political climate I think it's particularly appropriate—which relates pretty directly to the capacity to be a government or an alternative government as our system provides.

The doctors of Ontario deserve an apology from the official opposition and perhaps—

Mr. Bullbrook: Do you remember Ed Havrot?

Hon. Mr. Davis: —we might be permitted to ask who is next on their list of targets. Is it the lawyers?

Mr. Cassidy: You are demeaning yourself.

Hon. Mr. Davis: Is it the pharmacists? The teachers—

An hon. member: It won't be the labour unions.

Hon. Mr. Davis: —the nurses, or will it be the civil servants?

Mr. Cassidy: Did you ever apologize for the teachers?

Mr. Speaker: Order, please.

Hon. Mr. Davis: I say to the member for Sudbury, he can't escape some of the responsibility for what happened. He cannot escape some of the responsibility.

Interjections.

Hon. Mr. Davis: In appealing to this House for—

Mr. Cassidy: We won't forget this when your people get into trouble.

Hon. Mr. Davis: —confidence and support on this budget motion—

Mr. Samis: You are just exploiting it.

Hon. Mr. Davis: —I want to add one final thought. The members of the government have no plans for an early election. We really don't. We intend to continue governing through co-operation with all sides of the House but that co-operation has been weakened. It has been limited and devalued today through no fault of this government and that is a tragedy for every citizen of this province.

[11:00]

Mr. Speaker: Order, please. Ready for the question? We will place the question now.

Hon. Mr. McKeough moved that this House approves in general the budgetary policy of the government.

Ms. Bryden moved that all the words after "that" in the main motion be struck out and the following added:

"This House regrets the introduction of a budget responding only to the fiscal impasse of a government which, having over-borrowed and over-spent during its four years in office, recorded an election year deficit approaching $2 billion and regrets the paralysis of the government when faced with 250,000 people unemployed and the passive acceptance of a continuing unacceptable rate of unemployment in excess of six per cent and regrets the most inequitable feature of the budget, the increased premiums for health care, which highlights the preoccupation of this government with unfair and regressive taxes without considering existing and alternative sources of revenue; and regrets the choice by the government of policies dictated by this impasse and paralysis which fail to create jobs and which cut back vital programmes in health, education and social services, causing more unemployment, and which force regional and other municipal governments and school boards to increase taxes on property;

"And regrets the failure of the government to introduce programmes stabilizing the income of farmers; preserving land for agriculture; making available medical, dental and other social services within a basic economic framework in northern Ontario, particularly in unorganized municipalities, in any way comparable to southern Ontario; providing the incentives and opportunities which will stimulate the ordinary economic development of eastern Ontario; protecting the health of people working in our industries; meeting the needs of public transit in the regions, towns and cities; producing quality housing at reasonable prices and reducing the dependence of our natural resource industries on foreign capital."

Then Mr. Lewis moved that the amendment to the motion that this House approves in general the budgetary policy of the government be further amended by adding the following words:

"And further, that this government has failed to respond adequately to:

"1. The administrative problems which have undermined the tenants' accessibility to and confidence in the rent control procedures and to recognize by legislative action the need to ensure protection against unfair rent increases after July 1977;

"2. The need for the early implementation of policies to designate prime agricultural food lands throughout Ontario;

"3. The obvious need to develop manpower programmes, job retraining programmes and job creation programmes;

"4. The neglect of adequate management of our forest resources, which neglect should clearly mean the abandonment of the proposed Reed Paper transaction.

"And that, therefore, this government does not enjoy the confidence of this House."

The House divided on the amendment to the amendment by Mr. Lewis which was negatived on the following vote:

Ayes	Nays
Angus	Auld
Bain	Bennett
Bounsall	Bernier
Bryden	Birch
Burr	Breithaupt
Cassidy	Brunelle
Davidson (Cambridge)	Bullbrook
Davison (Hamilton Centre)	Conway
Deans	Cunningham
di Santo	Davis
Ferrier	Drea
Foulds	Eakins
Germa	Eaton
Gigantes	Edighoffer
Godfrey	Evans
Grande	Ferris
Laughren	Gaunt
Lawlor	Givens
Lupusella	Good
Mackenzie	Gregory
Makarchuk	Grossman
McClellan	Haggerty
Moffatt	Hall
Philip	Handleman
Renwick	Henderson
Samis	Hodgson
Sandeman	Irvine
Swart	Johnson (Wellington-Dufferin-Peel)
Warner	Jones
Wildman	Kennedy
Ziemba—31	Kerr
	Kerrio
	Lane
	Leluk
	MacBeth
	Maeck
	Mancini
	McCague
	McKeough
	McKessock
	McMurtry
	McNeil
	Meen
	Miller (Haldimand-Norfolk)
	Miller (Muskoka)
	Morrow
	Newman (Durham-York)
	Newman (Windsor-Walkerville)
	Nixon
	Norton
	ONeil
	Parrott
	Peterson
	Reed (Halton-Burlington)
	Reid (Rainy River)
	Rhodes
	Riddell
	Rollins
	Roy
	Ruston
	Sargent
	Scrivener
	Shore
	Singer
	Smith (Hamilton Mountain)
	Smith (Nipissing)
	Smith (Hamilton West)
	Snow
	Spence
	Stephenson
	Stong
	Sweeney
	Taylor
	Timbrell
	Villeneuve
	Welch
	Wells
	Williams
	Wiseman
	Worton
	Yakabuski—81

Ayes 31; nays 81.

The House divided on Ms. Bryden's amendment which was negatived on the same vote.

The House divided on Hon. Mr. McKeough's motion that this House approves in general the budgetary policy of the gov-

ernment, which was approved on the same vote reversed.

SUPPLY ACT

The following bill was given first, second and third readings on motion by Hon. Mr. McKeough:

Bill 194, An Act for granting to Her Majesty certain sums of money for the public service for the fiscal year ending March 31, 1977.

Hon. Mr. Welch: Mr. Speaker, the Lieutenant Governor is standing by.

Mr. Speaker: In the interlude, may I just remind the members that afer this part of the business is over with—I will just remind them of the invitations on their desks this afternoon.

Mr. Reid. Some members got there early.

The Honourable the Lieutenant Governor of Ontario entered the chamber of the Legislative Assembly and took her seat upon the throne.

ROYAL ASSENT

Hon. P. M. McGibbon (Lieutenant Governor): Pray be seated.

Mr. Speaker: May it please Your Honour, the Legislative Assembly of the province has, at its present sittings thereof, passed several bills to which, in the name of and on behalf of the said Legislative Assembly, I respectfully request Your Honour's assent.

[11:15]

The Clerk Assistant: The following are the titles of the bills to which Your Honour's assent is prayed:

Bill 189, An Act to establish the Unified Family Court.

Bill 135, An Act to Provide for the limited inclusion of Grapes grown outside Ontario in Ontario Wines.

Bill 171, The Funeral Services Act.

Bill 187, An Act to amend The Regional Municipality of Hamilton-Wentworth Act, 1973.

Bill 131, An Act respecting Farm Income Stabilization.

Bill 139, An Act respecting Employees' Health and Safety.

Bill 168, An Act to amend The Corporations Tax Act, 1972.

Bill 169, An Act to amend The Income Tax Act.

Bill 170, An Act to amend The Retail Sales Tax Act.

Bill 190, An Act to amend The Judicature Act.

Clerk of the House: In Her Majesty's name, the Honourable the Lieutenant Governor doth assent to these bills.

Mr. Speaker. May it please Your Honour, we, Her Majesty's most dutiful and faithful subjects of the Legislative Assembly of the province of Ontario in session assembled, approach Your Honour with sentiments of unfeigned devotion and loyalty to Her Majesty's person and government, and humbly beg to present for Your Honour's acceptance, a bill entitled An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending March 31, 1977.

Clerk of the House: The Honourable the Lieutenant Governor doth thank Her Majesty's dutiful and loyal subjects, accept their benevolence and assent to this bill in Her Majesty's name.

The Honourable the Lieutenant Governor was pleased to deliver the following gracious speech:

PROROGATION SPEECH

Hon. Mrs. McGibbon: Mr. Speaker and members of the Legislative Assembly: I am pleased to address you at the close of this third session of the 30th Parliament of Ontario.

More than 80 bills have been granted royal assent during this period. Among them, the new Employees' Health and Safety Act has brought into force key recommendations of the royal commission on the health and safety of workers in mines. The provisions enacted so far included establishment within a single ministry, the Ministry of Labour, of all responsibility for occupational health and safety legislation. Further plans are in progress to extend the application of the proposals as the core of the report to include industrial safety and construction safety and to produce in a comprehensive omnibus bill an occupational health code for working men and women throughout Ontario.

New legislation was introduced in the fall to establish a fairer and firmer structure of law in dealing with matrimonial property and in providing for support in cases of marriage breakdown. These family law reforms are the culmination of years of study and consultation

based on the recommendations of the Ontario Law Reform Commission. Passage of the legislation has been postponed to allow more time for responses from interested parties and for further review.

The establishment of a commodity income stabilization programme, as provided for in the new Farm Income Stabilization Act, is a vital step in protecting the future of farming and food production.

Royal assent was given to legislation on warranty plans for new homes to protect purchasers against added cost and inconvenience caused by poor construction workmanship. These provisions take full effect at the end of this year.

To help meet the demand for housing in Ontario, the provincial housing action programme, originally scheduled to end in March, 1976, will be extended for another year. The scope of the Ontario home renewal programme, designed to help low- and moderate-income home owners, has been broadened to include rental accommodation.

The provincial rent review programme established in 1975 has been successful in stemming rapid rent increases faced by many tenants in recent years and in keeping rents in line with anti-inflation objectives.

Following the Ontario budget of April 6, a property tax reform commission was appointed, under the chairmanship of Mr. Willis Blair. Public hearings have been in progress since June and the commission is expected to report in the new year. The reforms will seek to achieve a new system of taxation based on a province-wide standard for the assessment of property, and one which Ontario's taxpayers will see as more equitable and more efficient.

New select committees of the Legislature have been appointed to investigate highway safety, transportation of goods, and corporation law, and to review reports of the Ombudsman.

The House also received the final report of the select committee on Ontario Hydro's proposed bulk power rates. At the federal-provincial energy price negotiations, Ontario put forward the position that any price increase be related to production costs and to increasing the incentive to develop and expand energy production. It was, and remains, the government's stand that energy cost increases should not be used as a means of providing additional revenues for governments at consumers' expense.

At the same time, the government of Ontario is aware of its responsibility in ensuring that throughout the province efforts be made to conserve all forms of energy in everyday use. Ontario's energy management programme to achieve savings in all sectors of the economy is well under way.

Over the past year, potential industrial energy savings of more than $15.6 million have been identified by the Ministry of Industry and Tourism's Energy Bus in its province-wide travels. Insulation requirements for housing to help conserve energy have been defined in the new Ontario Building Code which came into effect on April 1. Energy Conservation Week, observed from October 31 to November 6, had appreciable results in schools, businesses and municipalities throughout the province.

A new five-year agreement between Ontario and the federal government, signed March 12, ensures fulfilment of continuing obligations on Canada and the United States to improve the quality of the Great Lakes. The agreement includes provision for prior consultation between Canada and Ontario on all proposals for discussion with the United States, and places greater emphasis than before on environmental assessment and protection.

Within the province, it has been the expressed policy of the Ontario government to ensure through consultation with the public in issues of major long-term significance. The province's economic priorities and their projection to the end of the anti-inflation programme and beyond are among several such questions now facing all Ontarians.

As announced recently, the government will be inviting representatives of Ontario's labour, business, consumer, agricultural and social organizations to participate in a conference next February 10 and 11 to be entitled Partnership for Prosperity. The conference will provide a forum for discussion on the future direction of the provincial economy and the post-controls period.

The management of growth is another important question with longer-term implications. The government has taken steps to stimulate public discussion on this subject with the publication in April of eight reports relating to provincial and regional development and the pattern of future life in the province. A covering statement, Ontario's Future: Trends and Options, outlines basic elements of a broad planning strategy for the province and indicates the government's priorities.

Ontario's first Environmental Assessment Board was appointed in April to perform the essential function of reviewing assessments of

major public development projects that may have significant effects on the environment. The new board also assumed the activities of the Environmental Hearing Board under The Environmental Protection Act and The Ontario Water Resources Act.

In October, terms and conditions for the proposed development of a new integrated forest industry complex in northwestern Ontario created a framework for the most intensive environmental evaluation of this kind for any undertaking by the private sector. This review, under the provisions of The Environmental Assessment Act, 1975, will be undertaken by Mr. Justice Patrick Hartt. The scope of the inquiry will encompass the social, cultural and economic interests of northern residents. Ultimate approval of the projected enterprise will depend on proposals for a comprehensive forest management programme, satisfactory environmental safeguards and the protection of native rights. If approved, the project anticipates an investment of $400 million and the creation of some 1,200 new jobs.

New regulations, effective April 1, established stricter eligibility criteria for general welfare assistance recipients, including a requirement to seek employment. The stipulation is intended to encourage recipients to regain a measure of self-reliance as well as to prevent abuses to the system.

On the same date, guaranteed annual income levels in Ontario were adjusted to ensure that the full benefits of federal old age security and guaranteed income supplement increases were passed on to Ontario GAINS recipients. The minimum wage in Ontario was raised on March 15 to a general rate of $2.65 per hour, and to $2.90 per hour for construction industry employees.

The problems of continuing inflation have been squarely challenged. The judgement of the Supreme Court of Canada in favour of the national anti-inflation programme and the subsequent legislative endorsement by members of this House for Ontario's involvement in the programme enabled the province to pursue several necessary initiatives.

The government looks to all citizens to place continued emphasis on economic prudence and restraint in the larger interest of the public good. The province's preliminary budgetary plans for 1977 have been placed before the Legislature. Municipalities, school boards and government-funded bodies have been advised well in advance of levels of support that will be forthcoming in provincial transfers so that an even better job of planning ahead may be achieved for the new year.

Rounds of talks at the first ministers' level have placed renewed focus on patriation of Canada's constitution and on federal-provincial fiscal arrangements. The former issue affects all Canadians as individuals, in as much as it affects the future of Canada as a nation, and it is the view of the Ontario government that the public must have every opportunity to be fully informed as matters progress.

On the latter subject, new revenue sharing terms for the next five years, beginning April 1, 1977, were agreed on with the government of Canada in discussions in Ottawa this week.

Canadians everywhere shared in the success of the games of the 21st Olympiad in Montreal in July. Ontario played a part in staging the games by holding qualifying tournaments in several cities, and was honoured with a visit by Her Majesty Queen Elizabeth II to the sailing competitions at Kingston.

Hon. members, the record of achievement during the course of this session has been substantial. I thank you in our Sovereign's name for your loyalty in carrying out your duties, and I wish you all a safe and happy holiday season.

I now declare this session prorogued.

God bless the Queen and Canada.

Hon. Mr. Welch: Mr. Speaker and hon. members of the Legislative Assembly, it is the will and pleasure of the Honourable the Lieutenant Governor that this Legislative Assembly be prorogued, and this Legislative Assembly is accordingly prorogued.

The Honourable the Lieutenant Governor was pleased to retire from the chamber.

The House prorogued at 11:30 p.m.

APPENDIX A

(See page 5988)

Answers to questions were tabled as follows:

143. Mr. Breithaupt—Inquiry of the ministry: Would the ministry supply a list of all authorities, boards, commissions, tribunals, advisory groups and Crown corporations in Ontario? Would the ministry advise the name and address of each directing member of each of such bodies; and the ministry to which each is responsible.

Answer by the Premier (Mr. Davis):

A list of agencies to which the government appoints all or some members is available, showing the name and address of the agency, the appropriate legislation and the name of the Chairman. This list is available to the public on request from the Cabinet Office.

161. Mr. Bain—Inquiry of the ministry: Would the Minister of Energy inform the House as to the following: (1) The level of radiation (in RADS) which Ontario Hydro sees as being "acceptable"; (2) the level of radiation which Ontario Hydro sees as being "safe"; (3) the percentage of total Hydro electrical output currently being generated by nuclear power stations; (4) the percentage of total Hydro electrical output (including exports to the US) to be filled by nuclear power stations by 1980, 1990 and the year 2000; (5) the nature of the test(s) conducted by Hydro to determine the reliability of the "fail-safe" system in the CANDU reactors, and in particular whether or not an actual test has been conducted with an operative reactor; (6) a listing of each of the reactors currently operating, their current output, their projected output, the amount of radioactive wastes created in each and the disposal methods used by each?

Answer by the Minister of Energy (Mr. Timbrell):

(1) and (2) The levels of radiation which Ontario Hydro considers "acceptable" and "safe" are those prescribed in the Atomic Energy Control Regulations. For whole body radiation, the individual dose limits are: For atomic radiation workers—five rem/year; for members of the public—0.5 rem/year. The regulations prescribe dose limits in rem units not rad. For x and gamma radiation, 1 rem = 1 rad.

(3) For the first nine months of 1976, nuclear power stations generated 17 per cent of the total Ontario Hydro electrical energy generated and purchased.

(4) It is anticipated that nuclear power stations will generate 25 per cent by 1980, of the total Ontario Hydro electrical energy generated and purchased, and 57 per cent by 1990. The percentage which will be applicable to the year 2000 will depend on which capital programme is adopted for the years beyond 1995. One set of tentative forecasts indicates that this percentage might reach 72 per cent by the year 2000.

(5) All safety systems for each operating reactor are periodically tested by simulating a requirement for safety system action and observing the response of the various system components. The frequencies of individual component tests, typically range from once per day to once per year depending on demonstrated component reliability and the extent of component redundancy.

(6) The reactors operated by Ontario Hydro are listed in the following table which shows: Their current output (as a percentage of full power); their full power rating (in megawatts); the amount of irradiated fuel discharged each year at full power; the volume of radioactive waste actually produced in 1975. Radioactive material arising from the operation of nuclear reactors is classified as: Irradiated fuel, which contains more than 99 per cent of the total radioactivity produced; and, other radioactive material such as ion exchange resins used to maintain heavy water coolant purity; contaminated cleaning material; protective clothing, et cetera. Irradiated fuel is stored under water in special irradiated fuel storage bays. Other radioactive material is stored in secure, concrete, leak tight structures. These materials are retrievable and the storage structures and their surroundings are monitored regularly to ensure high integrity.

Station	Current Output —Per cent Full Power	Full Power Output —Megawatts Net	Irradiated Fuel Megagrams/year	Radioactive Waste Volume —Cubic meters in 1975
NDP	100	22.5	3	202
Douglas Point	100	206	26	463
Pickering-A	100	2056	275	1119
Bruce-A	*	3000	480 (estimate when all four units are fully operational)	–

*Bruce NGS-A: The first unit to be operated (Unit 2) went critical July 27, 1976, produced electricity for the first time on September 4, 1976, and has been operated for short periods of time at power levels up to 25 per cent of full power during the "power run-up" phase of the extensive commissioning programme. In addition to producing electricity, Bruce NGS-A will supply process steam to the Bruce heavy water plants.

162. Mr. Bain—Inquiry of the ministry: Would the Minister of Energy inform the House as to whether or not there has ever been a near-miss accident in one of the operating Hydro nuclear power plants? If so, could he itemize and describe the accidents, steps taken to correct the problem and any changes in Hydro safety policy resulting from the near-misses?

Answer by the Minister of Energy:

It is assumed that the term "near miss accident" refers to any incident which potentially could have resulted in a dangerous escape of radioactivity, but which was narrowly averted by safety system or operator action. There have been no such "near miss" accidents at any nuclear facility operated by Ontario Hydro.

163. Mr. Bain—Inquiry of the ministry: Would the Minister of Energy provide the House with figures relating to the total amount of money spent by Ontario Hydro from 1970 to 1975 (by year) to promote or discuss the nuclear commitment made by Ontario Hydro? Also, in view of the final report from the select committee on Ontario Hydro and its recommendations, has the minister had any discussions with Ontario Hydro concerning the re-assessment of Hydro's nuclear commitment? If so, what are the results?

Answer by the Minister of Energy:

(1) Ontario Hydro has a strong commitment to nuclear energy and has made this commitment well known to the government and to the public. It has not, however, spent large sums of money in promoting or advertising nuclear electric generation. Ontario Hydro does not promote any particular form of energy and its current advertising programme is focussed on energy conservation and the wise use of electricity.

(2) A review of Ontario Hydro's nuclear commitment is now underway by the Royal Commission on Electric Power Planning. According to a recent motion introduced by the Minister of Energy in the House, a further review is scheduled for next fall by a select committee of the Legislature.

164. Mr. Mackenzie—Inquiry of the ministry: Would the Minister of Labour list the dust counts or any other evidence upon which the Workmen's Compensation Board bases its arguments that the sintering plant in Sudbury is more hazardous than the sintering plant in Port Colborne and qualifies, prior to 1952, for an exposure rate criteria of six months in establishing nasal cancer claims, while one year is needed in Port Colborne?

Answer by the Minister of Labour (B. Stephenson):

The Ministry of Health did some dust sampling at both Port Colborne and Copper Cliff but these were of questionable value and did not enter into the studies by Dr. Sutherland of the Ministry of Health. Dr. Sutherland based his observations on epidemiological studies in observing the number of sinus cancers and lung cancers and comparing this with the expected number of sinus and lung cancers in a population adjusted for age and sex and considerations

relating to the interval between exposure and development of cancer which appeared shorter in Copper Cliff than in Port Colborne. This subject is currently under further review.

167. Mr. Ziemba—Inquiry of the ministry: Would the Minister of Revenue indicate how many Ontario tax credits have been paid out to persons using fraudulent social insurance cards? How many have been paid in error? How many are under investigation? What pre-audit and post-audit steps are being taken to prevent recurrences?

Answer by the Minister of Revenue (Mr. Meen):

(1) According to reports received from federal authorities who are responsible for the audit of provincial income tax returns and Ontario tax credit claims, 24,000 adjustments were made to tax credit claims filed for the 1974 taxation year. For the 1973 taxation year there were 20,500 adjustments. The federal authorities have not reported how many adjustments were made specifically due to fraudulent use of social insurance numbers. Ministry of Revenue staff maintain an on-going liaison with Federal officials to evaluate audit results for the purpose of improving compliance.

(2) The results for the 1975 taxation year will not be known until sometime after March 15, 1977. For the 1973 and 1974 tax years, the results are as follows: Taxpayers adjusted (1974) 24,000, (1973) 20,500; dollar recovery (1974) $1.5 million, (1973) $0.7 million.

(3) The audit for the 1975 taxation year is presently under way. Some 39,000 taxpayer files have been selected for audit. Results to date are incomplete and inconclusive. Indications are that from the selected files, a large number of investigations are under way where claims are being made in identical amounts originating at the same address, for example. These show up on computer matching lists and analysis of tax returns. The number of investigations going on is not known at the present time but there is a potential of 13,000 files on this match listing. All tax returns including Ontario tax credit (OTC) claims are pre-audited and assessed prior to processing the claims for payment. The amount of pre-audit that can be done is limited because each return has to be assessed in isolation at this stage and is limited to mathematical accuracy, checking receipts where required, for example political contribution credit, cross-checking information filed with the actual tax return such as present and previous address, marital status, et cetera. After the pre-audit of returns is completed a large number of files are selected based on previously determined audit criteria. These files then become the subject of an audit investigation. The selection of files is done by computer matching of returns of the claimant, and spouse if applicable, with all other current returns filed and returns filed for previous years to identify such items as non-consistency of reported information, files bearing duplicate names or addresses, claims for the same amount of the various credits originating from what possibly may be the same source. All of those cases turned up in this manner are investigated. At the present the result of the investigative process for the 1975 taxation year are incomplete and inconclusive.

172. Mr. Godfrey—Inquiry of the ministry: What investigation is the Ministry of Health undertaking to examine the relationship between cancer mortality rates and carcinogens in water supplies?

Answer by the Minister of Health (Mr. F. S. Miller):

The Ministry of the Environment carries out a sampling programme of municipal water supplies which identifies contaminants and, when possible, measures their concentration. The results of these tests are made available to the Ministry of Health. The Ministry of Health has an ongoing programme of analysing mortality statistics by municipality. When unusual distributions are encountered an attempt is made to relate these to environmental factors including water supply.

To date, we are not aware of any carcinogens occurring in significant amounts in municipal water supplies. Chloroform has been identified in parts per billion amounts at a number of locations but has not been associated with any unusual incidents of cancer.

174. Mr. Mackenzie—Inquiry of the ministry: What were the number of charges laid for: (a) speeding; (b) careless driving; (c) driving while impaired for the months of April, May, June, July, August, September and October of 1976, on the Queen Elizabeth Highway between Hamilton and Toronto?

Answer by the Solicitor General (Mr. MacBeth):

Q.E.W. VIOLATIONS BETWEEN HAMILTON AND TORONTO

	Speeding	Careless Driving*	Impaired Driving**
April	326	17	25
May	327	19	20
June	316	30	10
July	198	38	15
August	263	34	15
September	236	41	10

		Speeding	Careless Driving
Period 4	March 25 – April 21	309	15
Period 5	April 22 – May 19	293	17
Period 6	May 20 – June 16	301	18
Period 7	June 17 – July 14	283	37
Period 8	July 15 – August 11	256	23
Period 9	August 12 – Sept. 8	226	41
Period 10	September 9 – Oct. 6		Not Available Yet

* These figures are pro-rated from the 28-day actual figures and are based upon the number of period days in a month.

** Estimated

The ministry is unable, without additional time and funds, to provide the precise answer to question No. 174. An overview of the traffic management system of the Ontario Provincial Police may explain the manner in which the answer is being provided:

In the system used by the Ontario Provincial Police, the year has been divided into 13 periods of 28 days duration. This ensures equality in time frames for comparison purposes. Each reporting location (detachment) submits copies of summary conviction tickets and court dispositions to OPP Headquarters. These are entered into the computer system by the data processing section. Simultaneously each location forwards motor vehicle collision reports to the Ministry of Transportation and Communications which are entered into their system. The force receives a tape of collision data from Transportation and Communications which is integrated by computer with OPP violation data. From this conglomerate information print-outs are extracted.

All highways are divided into key-point sectors for identifying locations. Identification codes are entered on violations, prosecutions and collisions. From this the OPP was able to extract the information requested on a 28-day cycle. October information is not yet available due to the delay in receiving collision tapes. The computer programme is not run until all data is available, obviously due to cost. To accommodate question No. 174, the force converted period information to calendar months by pro-rating based on the number of period days in a month. These figures should reasonably reflect the violations experiences in the area requested. Prior to this approach the force attempted to gather the information from the respective detachments. This was not possible at Burlington as entries retained at detachment level do not reflect key-points. This precluded identifying offence areas as being between Hamilton and Toronto or south of Hamilton.

Maintenance of the OPP computer systems is contracted to Systems Development Services, Ministry of Government Services. The development of a sub-programme to extract information from the stored data to accurately respond to the question posed is possible. However, it would require the services of a programmer for three to five days, plus computer time. The cost would range from a minimum of $600 to approximately $1,000. In view of this, it is hoped that the format of the answer to question 174 is satisfactory.

175. Mr. Moffatt—Inquiry of the ministry: Has the Ministry of Transportation and Communications experimented with the extensive use of closely planted rows of evergreen trees as noise barriers? If not, why not? What is the difference in cost between the present noise barriers and a maintained living tree noise barrier? What would be the effect in terms of cost of planting living evergreen trees as snow fence barriers along rural highways?

Answer by the Minister of Transportation and Communications (Mr. Snow):

Ministry of Transportation and Communications has not experimented with trees as noise barriers because the depth of even the densest and tallest (30 feet) plantings would have to be at least 50 feet to provide "significant" sound reduction, or 75 feet to provide reductions equal to those given by our 10-12 feet constructed noise barriers. Less mature (20 feet high) trees would need to be planted to very much greater depths. The results are, in any case, unreliable. To attempt to establish a dense planting of semi-mature trees on a roadside adjacent to high traffic volumes is not a realistic solution to the attenuation of noise. The horticultural risks for the survival of plant material would be too great. Using the largest size tree feasible, it would still require many years of growing time to reach the height and density to be of any benefit.

Present noise barrier costs are as follows: 10-feet height, $4,000 per 100 feet; 12-feet height—$5,000 per 100 feet. The design life of these barriers is 20 years and the annual maintenance is negligible. The costs of installing a planting of the required density would be extremely high, in the order of $10,000 per 100 feet, with the end results being somewhat unreliable. Perpetual maintenance required to ensure survival is estimated at $250 per 100 feet annually.

Snow hedge: Using the most feasible size of evergreen (two feet) the cost of installation and maintenance over the initial three year establishment period, $6,400/lineal mile. Additional maintenance cost over the next seven years, $6,400. Annual maintenance cost thereafter $200 mile. Snow drifting effectiveness over first five years, nil; snow drifting effectiveness over second five years, 20 per cent to 50 per cent.

Property requirements to provide adequate space to effectively locate the snow hedge represents 40 to 50 feet in addition to the average right of way of a rural arterial highway. Snow hedge is located in rural areas and quite often adjacent to valuable agricultural land and the ministry, in the past, has been cautioned by the Ontario Federation of Agriculture about the excessive acquisition of agricultural land for highway purposes. The ministry, therefore, has adopted the policy of not purchasing additional property for snow hedge purpose except where extreme circumstances have arisen. When additional property is acquired it represents additional maintenance costs in grass mowing and weed control.

Snow fence: Supplied in 50-foot rolls by 4 feet wide. Annual cost to erect, take down and store, $1,470/lineal mile. Snow drift effectiveness is immediate. Highway Improvement Act section 27 (8) provides for access to private property to erect and remove snow fence annually.

180. Mr. Warner—Inquiry of the ministry: What initiative will be given by the Minister of Colleges and Universities to ensure that centres for labour studies will be established in each community college which serves an industrial area? Will the minister direct the colleges, through the Council of Regents, to approach local labour organizations for the determination, development, and presentation of the appropriate courses of study? Further, would such courses be fully accredited, leading to a diploma in labour studies?

Answer by the Minister of Colleges and Universities (Mr. Parrott):

In answer to your question regarding the establishment of centres for labour studies in the community colleges, I feel I should draw your attention to the following points:

As you are well aware, it has not been our practice to impose programmes on any of our colleges. We expect colleges to propose programmes in response to expressed local community needs. With this in mind, a sincere effort has been made to ensure that the various interests are represented on the college boards of governors and the Council of Regents. Since labour is represented on these bodies, I would hope that they would make their needs known and that programme proposals from the colleges would be made accordingly. I might add that Mr. Pilkey, the newly elected president of the Ontario Federation of Labour, is a member of the board of governors, Durham College.

Further, I have advised the Council of Regents and the newly created Industrial Training Council of the concerns expressed by the Ontario Federation of Labour relating to labour studies in our colleges and requested comments and advice from them. In addition, our programme resources branch has been in contact with Mr. G. Murtagh, Education Director, OFL, and a member of the Industrial Training Council, regarding appropriate programmes and courses. Naturally, should a need for diploma courses be demonstrated, I would expect such to be established.

181. Mr. Nixon—Inquiry of the ministry: What proportion of the old Ontario Hydro building on University Avenue remains in use? Is the building to be rented? If so, to whom, and at what rates? What is the cost of maintaining it?

Answer by the Minister of Energy:

The building is empty and remains out of service. The property was offered for sale last summer and two tenders were received, but neither were considered acceptable. Other options including renovation and subleasing are being investigated. Excluding taxes, which are expected to be rebated, the annual maintenance cost is approximately $150,000.

183. Mr. Nixon—Inquiry of the ministry: What proportion of the Ontario government office buildings at 434 and 454 University Avenue is in use? What plans exist for the use or sale of the property? What is the cost of maintaining them?

Answer by the Minister of Government Services (Mrs. Scrivener):

Approximately 3,000 square feet of usable space at 434 and 454 University Avenue is presently in use. It is planned to demolish both of these existing buildings, which are outdated and uneconomical, and to construct a new building on the site for government use. The cost of maintaining these two buildings for the past year was $69,500.

184. Mr. Bain—Inquiry of the ministry: Would the Minister of Labour consider directing the Workmen's Compensation Board to make regulations under sections 68(1) and 78 of The Workmen's Compensation Act to allow a claimant or his/her designated agent complete access to the information in his/her file for the purposes of the claim?

Answer by the Minister of Labour (B. Stephenson):

Section 99 of The Workmen's Compensation Act provides that medical reports submitted to the board are deemed privileged communications of the persons making them and complete access may not be given. The board has developed a system of providing summaries of information, including the pertinent segments of medical reports as an acceptable substitute for access. The employee is advised in writing of this right and I know of no employee whose entitlement under the Act has been prejudiced by lack of complete access. I believe that where an employee wishes full access to the contents of medical reports, such reports should be disclosed only by the attending doctor to provide a full understanding. Since the Board is currently reviewing its appeal process I cannot recommend changes at this time.

185. Mr. Bain—Inquiry of the ministry: Would the Minister of Labour inform the House as to the following: Section 42(7) of the Workmen's Compensation Act provides that a 100 per cent award for permanent disability may be transferred into a pension on the death of the recipient as if the death "had resulted" from the compensable disability. What criteria does the board use to determine, for this and other sections of the Act, if death "had resulted from the injury", for example, is it on a balance of probabilities, beyond a reasonable doubt, in the absence of any other medical explanation, et cetera?

Answer by the Minister of Labour:

Section 42(7) does not transfer a permanent disability pension into a dependancy pension; it creates a right to the same dependancy pensions under the provisions of Section 36 that are provided for workmen whose deaths result from occupational injuries or disease. Section 42(7) does not require the kind of criteria referred to since the cause of death is not a factor. If the workman was in receipt of a pension for permanent total disability at 100 per cent and died of any cause, his dependants are entitled to benefits under Section 36.

186. Mr. Bain—Inquiry of the ministry: Further to the Minister of Labour's answer to question No. 151 that "claims are not disqualified on grounds that an industrial disease is not disabling," would the minister inform the House of the purpose of section 118(1) of The Workmen's Compensation Act which says in part: "Where an employee suffers from an industrial disease and is thereby disabled . . . the employee . . . entitled to compensation".

Answer by the Minister of Labour:

Prior to January 1, 1974, section 118(1) of The Workmen's Compensation Act read: "Where a workman suffers from an industrial disease and is thereby disabled from earning full wages at the work at which he was employed . . ."

This wording required not only the diagnosis of a condition which was potentially disabling and for which the board could estimate the impairment of earning capacity, but also that the disability should be in fact disabling to the extent that a change of employment and wage loss resulted. Without such evidence of wage loss and change in employment a claim could not be allowed for a permanent disability award but only for medical aid rendered. The January 1, 1974, amendment removed the requirement that the condition be demonstrably disabling as evidenced by wage loss and change in employment by the removal of the words, "from earning full wages at the work at which he was employed". This enabled compensation payments to be made even though the workman was not disabled from his regular employment or suffering wage loss. The purpose of the change in wording was to facilitate the payment of permanent disability awards for an industrial disease on the same basis as for injuries under Section 42.

187. Mr. Bain—Inquiry of the ministry: Would the Minister of Labour direct the Workmen's Compensation Board to review their files from July 1, 1974 to the present date in order to find the following information: the average percentage decrease/increase in the amount granted to the spouse of a recipient of workmen's compensation when a disability allowance is transferred to become a pension.

Answer by the Minister of Labour:

There are no cases in which the dependancy pension will be more than the permanent disability pension because of the provisions of section 43(c) which stipulate that compensation for permanent total disability cannot be less than the potential dependancy pension. Any cases in which the dependancy pension is less than the permanent total disability pension previously paid result from the number of dependants eligible and the statutory provisions of section 36. Dependants whose entitlement flows from section 42(7) are compensated under the provisions of section 36 on exactly the same basis as dependants of workmen whose deaths result directly from industrial accident or disease. In essence, all dependancy awards are paid under section 36 and there are no differences in entitlement between dependants based on the cause of death. It would not appear that the calculation of the average reduction in these cases would have statistical significance and it would not warrant the unreasonable amount of staff work and expense that such a survey would require.

188. Mr. Bain—Inquiry of the ministry: Would the Minister of Labour direct the Workmen's Compensation Board to compile and provide to the House periodically the following information: (i) The number of cases wherein the spouse of a recipient of an award was denied a pension on the death of the recipient under section 42(7) of The Workmen's Compensation Act; (ii) the number of cases wherein a recipient was receiving a 100 per cent disability allowance and on his/her death the spouse was granted a pension; (iii) the number of cases wherein the spouse of a recipient was granted a pension on his/her death due to the fact that the compensable injury was deemed to be the "cause" of death.

Answer by the Minister of Labour:

I have requested the Workmen's Compensation Board to make provision in its current statistical planning for such information to be available in the future.

189. Mr. Godfrey—Inquiry of the ministry: Can the Minister of Health assure the House that there will be sufficient intern posts for all graduates of our medical schools in the coming years?

Answer by the Minister of Health (Mr. F. S. Miller):

The brief answer to this question is yes. It is an objective of our planning to ensure that there will be sufficient pre-licensure internship posts to enable graduates of Ontario medical schools to become qualified physicians. In 1976, there were 582 graduates of Ontario schools, and 698 positions in Ontario. For all of Canada there were 1,768 graduates and 1,971 positions. There is thus an apparent surplus of about 100 posts for Ontario and of about 200 posts for Canada overall.

By 1980 it is possible that the number of Canadian graduates will have increased, and the number of approved positions funded by government will have diminished slightly, so that the present apparent surplus of posts relative to Canadian graduates will be diminished. The situation will be watched and managed carefully on an annual basis, with the cooperation of the provinces.

The real situation is greatly complicated by migration. In any given year, 15 to 20 per cent of the graduating class may not intern in Canada. However, there are Canadian citizens graduating from medical schools abroad, and graduates of foreign medical schools who are now citizens or landed immigrants, who require internship posts and experience before they can be licensed to practice in Ontario. No one knows the precise number, but there are probably several hundred graduates, not from Canadian schools, who seek positions. This situation has arisen despite the fact that Ontario has had restrictions on the immigration of physicians, and physicians coming as nominated relatives have been advised of the oversupply situation. The responsibility of government to provide entry routes into medical practice for these individuals is far from clear, but is being studied. However, it is a policy objective in Ontario to ensure that there will be sufficient intern posts for graduates of our medical schools in the coming years.

198. Mr. Breaugh—Inquiry of the ministry: How does the Treasurer intend to handle those employees who were covered by the OMERS Supplementary Type I Plan, where those employees under this plan received benefits equal to the amendments proposed to the OMERS benefits and where the contributions were paid for entirely by the employer?

Answer by the Treasurer (Mr. McKeough):

The Ontario Municipal Employees Retirement Board has suggested the inclusion of a two-year "phase-in" period following the introduction of the proposed improvements to the basic OMERS benefits for employees presently covered under an OMERS Supplementary Type I Plan. During this period the employee contributions may remain at the existing rates stipulated in a collective agreement with the employer making up the balance of the increase in employee contribution rates as well as the increased employer contribution rate that will be required on January 1, 1978. This "phase-in" period will allow these employees extra time to negotiate with the employer for their appropriate share of any savings the employer will realize from reduced employer contributions after January 1, 1978 when the future service portion of the OMERS Supplementary Type I Plan is replaced by the improved basic OMERS benefits. This approach will maintain the current practice of supplementary plan contributions being negotiable under the collective bargaining process and the basic OMERS contributions being fixed for all employees and employers under the OMERS legislation.

67. Mr. McClellan—Inquiry of the ministry: 1. (a) Since January 1, 1972, what contracts were let and to which firms by the Ministry of Government Services for maintenance and cleaning services in: (i) Ottawa, (ii) Toronto, (iii) Hamilton, (iv) London, (v) Windsor, (vi) Timmins, (vii) Sudbury, and (viii) Thunder Bay; (b) what was the value and duration of each and the wage rates paid under the contracts. 2. Who are the principal owners of the firms. 3. (a) What is the complement of Ontario government cleaning and maintenance staff with permanent civil service status for each of the years 1972-73, 1973-74, 1974-75; (b) what were the salary scales paid for each of those years?

Answer by the Minister of Government Services (Mrs. Scrivener):

Definitions: To ensure that all information was compiled on the same basis, terms used in the question were defined as follows: "Maintenance and cleaning services", interior janitorial services; "Toronto", Municipality of Metropolitan Toronto; "value": 1. Where the contract ended prior to May 1, 1976 the amount shown (and underlined) is the amount paid to the contractor with reference to that contract; 2. where the contract ended, or will end, subsequent to April 30, 1976 the amount shown is the value of the contract as awarded; "duration": 1. Where the contract ended prior to May 1, 1976 the period shown is the actual period worked by the contractor (* indicates that the contractor worked less than the full contract term); 2. where the contract ended, or will end, subsequent to April 30, 1976 the period shown is the term of the contract as awarded (except * indicates that the contractor worked less than the full contract term, and was paid for the work performed; the period shown in this case is the actual period worked by the contractor); "complement of Ontario government cleaning and maintenance staff with permanent civil service status", complement of janitorial staff, employed by all ministries as of December 31 in each of the fiscal years 1972/73, 1973/74 and 1974/75, with regular civil service status; "salary scales paid for each of those years", the salary scales, as of December 31, paid to janitorial staff in each of the fiscal years 1972/73, 1973/74 and 1974/75; "time period for reporting for Part 1 (a)", January 1, 1972, to April 30, 1976.

Note: Information re agencies, boards and commissions is not included in these answers.

1 (a) and (b)--first portion:

(i) Ottawa

Company's Name	Value	Duration
AVS Building Cleaners	$ 21,000.00	July 1, 1973 to June 30, 1975
Crown Building Cleaners	39,999.84	July 1, 1973 to June 30, 1975
El Greco Building Cleaners	16,437.96	July 1, 1972 to June 30, 1973
Venetia Building Cleaners	12,890.00	April 21, 1972 to April 20, 1974
Venetia Building Cleaners	8,449.89	April 1, 1973 to March 31, 1975
Venetia Building Cleaners	14,000.00	April 21, 1974 to April 30, 1976
Venetia Building Cleaners	15,000.00	April 1, 1975 to March 31, 1977
Venetia Building Cleaners	39,900.00	July 1, 1975 to June 30, 1977
Venetia Building Cleaners	25,200.00	July 1, 1975 to June 30, 1977

(ii) (Metropolitan) Toronto

Company's Name	Value	Duration
AA-One Maintenance Company	$ 64,464.00	April 1, 1973 to March 31, 1975
AA-One Maintenance Company	54,600.00	May 3, 1973 to February 14, 1975
AA-One Maintenance Company	7,040.00	February 11, 1974 to October 31, 1975
AA-One Maintenance Company	48,695.00	March 1, 1974 to March 31, 1975
AA-One Maintenance Company	3,000.00	March 21, 1974 to June 13, 1975
AA-One Maintenance Company	93,720.00	June 17, 1974 to June 16, 1976
AA-One Maintenance Company	33,600.00	June 27, 1975 to June 26, 1977
AA-One Maintenance Company	84,000.00	November 3, 1975 to November 2, 1977
Abbott Floor Services Company Ltd.	2,952.00	April 1, 1973 to March 31, 1974
Abbott Floor Services Company Ltd.	492.00	April 1, 1974 to May 31, 1974
Abbott Floor Services Company Ltd.	2,460.00	June 1, 1974 to March 31, 1975
Abbott Floor Services Company Ltd.	2,952.00	April 1, 1975 to March 31, 1976
Abbott Floor Services Company Ltd.	2,952.00	April 1, 1976 to March 31, 1977
Allied Building Services of Ontario Limited	103,255.00	August 7, 1973 to August 6, 1975
Allied Building Services of Ontario Limited	186,151.43	November 1, 1973 to October 31, 1975
BB Cleaners	100.00	April 1, 1974 to August 31, 1974

Company's Name	Value	Duration
BB Cleaners	375.00	*October 1, 1974 to January 31, 1976
Cadillac-Fairview Corp.	1,026.78	March 1, 1975 to July 31, 1975
Cadillac-Fairview Corp.	2,710.08	June 1, 1975 to May 31, 1976
Central Building Maintenance	9,000.00	*April 26, 1976 to July 4, 1976
Concorde Maintenance Ltd.	37,516.66	*April 1, 1973 to February 28, 1974
Consolidated Maintenance Services Ltd.	138,419.24	April 11, 1973 to April 10, 1975
Consolidated Maintenance Services Ltd.	1,674,900.00	October 6, 1975 to October 5, 1977
D. and H. Cleaners	120.00	October 1, 1973 to March 31, 1974
David Floor Cleaning	4,288.00	April 1, 1973 to October 31, 1975
David Floor Cleaning	285.00	November 1, 1975 to November 30, 1975
David Floor Cleaning	1,140.00	November 1, 1975 to February 28, 1976
David Floor Cleaning	285.00	December 1, 1975 to December 31, 1975
David Floor Cleaning	285.00	January 1, 1976 to January 31, 1976
David Floor Cleaning	285.00	February 1, 1976 to February 28, 1976
Dencare Building Company	76,900.00	June 10, 1974 to June 9, 1976
Dencare Building Company	139,867.00	April 11, 1975 to April 10, 1977
Domenic Janitor Services Company Limited	2,590.00	February 20, 1976 to February 28, 1977
Domenic Janitor Services Company Limited	506.67	February 20, 1976 to July 31, 1976
East-West Maintenance	2,400.00	October 30, 1974 to October 30, 1976
Hans Engel and Company	1,333.16	April 1, 1973 to March 31, 1974
Hans Engel and Company	1,388.99	April 1, 1974 to March 31, 1975
Hans Engel and Company	1,430.18	April 1, 1975 to February 29, 1976
Hans Engel and Company	1,885.00	March 1, 1976 to March 31, 1977
Executive Office Cleaning and Maintenance Company of Canada	61,475.43	February 12, 1973 to February 11, 1975
Executive Office Cleaning and Maintenance Company of Canada	66,360.00	March 10, 1975 to March 9, 1977
Arnold Finkler Industrial	8,635.00	April 1, 1973 to March 31, 1974
Arnold Finkler Industrial	17,662.50	April 1, 1974 to September 30, 1975

Company's Name	Value	Duration
Arnold Finkler Industrial	14,130.00	October 1, 1975 to September 30, 1976
Floorex Janitorial Services	47,995.00	June 16, 1975 to June 15, 1977
Floorex Janitorial Services	95,000.00	August 1, 1975 to July 31, 1977
Floorex Janitorial Services	93,000.00	August 7, 1975 to August 6, 1977
Floorex Janitorial Services	15,832.00	*September 2, 1975 to December 31, 1975
Fox Maintenance Services	49,987.00	*August 1, 1972 to June 7, 1974
Fox Maintenance Services	5,395.00	February 15, 1973 to May 2, 1973
Hygiene Products Limited	68,598.46	August 3, 1973 to August 2, 1975
Hygiene Products Limited	6,500.00	May 15, 1974 to May 14, 1976
Hygiene Products Limited	45,559.00	June 15, 1973 to June 15, 1975
Iberclean Maintenance Company	35,957.98	*June 27, 1975 to January 2, 1976
ITT (Previously known as Allied Building Services)	215,976.00	November 3, 1975 to November 2, 1977
Lewis Janitorial Service	70.00	February 1, 1976 to March 31, 1976
Lewis Janitorial Service	420.00	April 1, 1976 to March 31, 1977
MacM Janitorial Services	42,232.50	April 1, 1972 to March 31, 1974
Gordon A. MacEachern Ltd.	42,485.79	*June 12, 1972 to October 31, 1973
Mars Janitorial Services	22,440.00	October 21, 1974 to October 20, 1976
Modern Building Cleaning, Division of Dustbane Enterprises Limited	995,213.31	April 1, 1973 to March 31, 1975
Modern Building Cleaning, Division of Dustbane Enterprises Limited	5,000.00	February 1, 1973 to February 28, 1975
Modern Building Cleaning, Division of Dustanbe Enterprises Limited	12,684.00	September 1, 1973 to December 31, 1973
Modern Building Cleaning, Division of Dustbane Enterprises Limited	22,197.00	January 1, 1974 to July 31, 1974
Modern Building Cleaning, Division of Dustbane Enterprises Limited	39,732.00	August 1, 1974 to July 31, 1975
Modern Building Cleaning, Division of Dustbane Enterprises Limited	340,619.62	*April 1, 1975 to October 3, 1975
Modern Building Cleaning, Division of Dustbane Enterprises Limited	5,008.80	November 1, 1975 to October 31, 1976
National Building Maintenance	95,880.00	January 2, 1976 to December 31, 1977
Nationwide Maintenance Company	49,519.70	February 8, 1974 to March 8, 1976

Company's Name	Value	Duration
New Life Building Maintenance of Canada	78,000.00	February 15, 1975 to February 14, 1977
New Life Building Maintenance of Canada	75,000.00	September 2, 1975 to September 1, 1977
New Life Building Maintenance of Canada	18,230.88	*December 1, 1975 to April 23, 1976
New Life Building Maintenance of Canada	45,000.00	March 9, 1976 to March 8, 1978
NSN Maintenance Services	NIL	*August 5, 1975 to August 8, 1975
Olympia Cleaners and Maintenance Services	38,500.00	January 8, 1972 to February 7, 1974
Olympia Cleaners and Maintenance Services	14,000.00	January 15, 1973 to January 14, 1975
Olympia Cleaners and Maintenance Services	24,000.00	August 16, 1973 to August 17, 1975
Olympia Cleaners and Maintenance Services	5,100.00	November 1, 1973 to October 31, 1975
Olympia Cleaners and Maintenance Services	63,553.37	April 1, 1974 to March 31, 1976
Olympia Cleaners and Maintenance Services	28,000.00	January 15, 1975 to January 14, 1977
Olympia Cleaners and Maintenance Services	60,000.00	April 1, 1976 to March 31, 1978
Royal City Janitorial Services	24,000.00	August 18, 1975 to August 17, 1977
Royal City Janitorial Service	135,000.00	January 5, 1976 to January 4, 1978
Sams Building Maintenance Company	15,916.47	*July 14, 1975 to November 30, 1975
Scott Young Limited	17,638.00	April 23, 1975 to April 22, 1977
Robert Shearer	200.00	April 1, 1973 to May 31, 1973
Robert Shearer	1,835.04	June 1, 1973 to January 31, 1975
Robert Shearer	1,380.00	February 1, 1975 to March 31, 1976
Robert Shearer	1,200.00	April 1, 1976 to March 31, 1977
Super Maintenance Service	14,140.00	September 1, 1972 to October 20, 1974
Supreme Building Maintenance	2,660.00	April 1, 1973 to April 30, 1974
Supreme Building Maintenance	2,400.00	April 1, 1973 to November 30, 1973
The Great Maintenance Cleaning Company	60,000.00	April 1, 1976 to March 31, 1978
University Janitorial and Maintenance	87,656.00	April 1, 1975 to March 31, 1977
Windsor Building Maintenance Ltd.	8,167.00	November 3, 1975 to November 2, 1977
Windsor Building Maintenance Ltd.	70,668.00	March 15, 1974 to March 15, 1976

Company's Name	Value	Duration
Windsor Building Maintenance Ltd.	1,472.25	March 16, 1976 to March 31, 1976
York Services	924.00	April 1, 1973 to March 31, 1974
York Services	1,331.48	April 1, 1973 to March 31, 1974
York Services	1,080.00	April 1, 1973 to March 31, 1974
York Services	1,320.00	April 1, 1974 to March 31, 1975
York Services	1,140.00	April 1, 1974 to March 31, 1975
York Services	3,240.00	April 1, 1974 to March 31, 1977
York Services	1,375.00	April 1, 1975 to March 31, 1976
York Services	1,380.00	April 1, 1976 to March 31, 1977
York Services	1,195.00	April 1, 1975 to March 31, 1976
York Services	1,200.00	April 1, 1976 to March 31, 1977

(iii) Hamilton

Company's Name	Value	Duration
Maintenance Services	4,800.00	April 1, 1976 to March 31, 1978
Mountain Janitor Service	2,100.00	April 1, 1973 to March 31, 1974
Mountain Janitor Service	2,340.00	April 1, 1974 to March 31, 1975
Mountain Janitor Service	2,340.00	April 1, 1975 to March 31, 1976

(iv) London

Company's Name	Value	Duration
Crown Building Maintenance	4,800.00	September 15, 1975 to September 14, 1977
DG Cleaners	6,946.75	October 29, 1973 to October 28, 1975
Modern Building Cleaning, Division of Dustbane Enterprises Limited	4,182.00	October 28, 1975
Modern Building Cleaning, Division of Dustbane Enterprises Limited	804.00	July 1, 1972 to June 30, 1973 July 1, 1973 to August 31, 1973
Modern Building Cleaning, Division of Dustbane Enterprises Limited	794.00	September 1, 1973 to October 26, 1973
Modern Building Cleaning, Division of Dustbane Enterprises Limited	414,347.00	July 15, 1974 to July 14, 1976
Peterman Building Maintenance	93,462.00	October 1, 1975 to October 1, 1977

(v) Windsor

Company's Name	Value	Duration
Ambassador Building Maintenance Limited ..	23,760.00	June 1, 1973 to May 31, 1975
Ambassador Building Maintenance Limited ..	2,958.51	June 1, 1975 to July 31, 1975
FPS Janitorial	21,552.00	June 1, 1971 to May 31, 1973
Happy Floors	9,332.23	*August 1, 1975 to April 15, 1976
Portuguese Building Maintenance	33,000.00	April 19, 1976 to April 18, 1978

(vi) Timmins

Company's Name	Value	Duration
Stanley Badiuk	330.00	April 1, 1973 to June 30, 1973
Stanley Badiuk	990.00	July 1, 1973 to March 31, 1974
Stanley Badiuk	2,400.00	April 1, 1975 to March 31, 1977
Mary Cunik	198.00	April 1, 1973 to June 30, 1973
Mary Cunik	594.00	July 1, 1973 to March 31, 1974
Mary Cunik	198.00	April 1, 1974 to June 30, 1974
Mary Cunik	743.75	*July 1, 1974 to March 21, 1975
Gino Giunta	300.00	January 1, 1975 to March 31, 1975
Mrs. G. Hautanen	900.00	April 1, 1975 to December 31, 1975
Quality Maintenance Company	900.00	*April 1, 1974 to December 31, 1974

(vii) Sudbury

Company's Name	Value	Duration
A.D. Cleaners	240.00	April 1, 1975 to May 31, 1975
C. and J. Maintenance Company	2,400.00	June 2, 1975 to May 31, 1977
Erickson Janitorial Services	600.00	April 1, 1976 to March 31, 1977
Marians Janitorial Services	1,820.00	March 8, 1976 to March 7, 1978
H. A. Perigord Company	315.00	October 9, 1973 to March 31, 1974
H. A. Perigord Company	275.00	December 15, 1975 to February 13, 1976
Reliable Window Cleaners	7,080.00	March 10, 1975 to February 10, 1977
Universal Industrial Cleaners	1,905.60	April 1, 1974 to March 31, 1976

(viii) Thunder Bay

Company's Name	Value	Duration
Astra Interior Cleaning	1,700.00	November 10, 1973 to July 30, 1974
Astra Interior Cleaning	2,500.00	June 5, 1974 to June 30, 1976
Astra Interior Cleaning	2,403.50	July 12, 1974 to June 30, 1976
Astra Interior Cleaning	4,848.00	May 1, 1975 to April 30, 1976
Donald Close	480.00	June 6, 1975 to September 6, 1975
Kings Northern Interior Cleaning Ltd.	42,588.00	April 24, 1972 to May 31, 1974
Kings Northern Interior Cleaning Ltd.	49,968.00	June 3, 1974 to June 3, 1976
Kings Northern Interior Cleaning Ltd.	18,000.00	August 1, 1974 to November 30, 1976
Kings Northern Interior Cleaning Ltd.	4,400.00	February 1, 1975 to January 31, 1977
Lakehead Interior Cleaning Limited	540.00	August 1, 1973 to July 31, 1974
Lakehead Interior Cleaning Limited	630.00	August 1, 1974 to September 30, 1975
Lakehead Interior Cleaning Limited	840.00	October 1, 1975 to September 30, 1976
Gordon A. MacEachern Limited	5,200.00	November 16, 1973 to November 30, 1975
Gordon A. MacEachern Limited	10,480.00	January 4, 1975 to April 23, 1975
Gordon A. MacEachern Limited	34,800.00	March 1, 1976 to February 28, 1978
Gordon A. MacEachern Limited	106,488.00	April 24, 1975 to April 23, 1977
Gordon A. MacEachern Limited	12,840.00	May 1, 1976 to April 30, 1978
Gordon A. MacEachern Limited	11,040.00	July 1, 1975 to June 30, 1977
Nu-Mode Interior Cleaning Limited	8,800.00	February 18, 1974 to June 30, 1975
Stan's Cleaning Service	5,232.00	December 1, 1975 to November 30, 1977

1 (b), second portion: The wage rates paid by the contractors listed are not known since they were not requested in the tender documents, but all specifications for these contracts required the payment of at least the Ontario minimum wage and, since late 1975, for work tendered in Metropolitan Toronto, the payment of at least the fair wage rates as established by the Ontario Ministry of Labour and stated in the tender documents.

2: The information was not requested in the tender documents for the contracts listed.

3 (a): The complement of janitorial employees with regular civil service status at December 31 in these fiscal years was: as of December 31, 1972, 1,984; as of December 31, 1973, 2,052; as of December 31, 1974, 2,146.

3 (b): What were the salary scales paid for each of those years? The salary rates per hour paid to regular civil service janitorial staff as at December 31 of each of the fiscal years 1972/73, 1973/74, and 1974/75 were:–

	1972/73		1973/74		1974/75	
Classification	Min. ($)	Max. ($)	Min. ($)	Max. ($)	Min. ($)	Max. ($)
Buildings Cleaner 1	2.42	2.52	2.64	2.74	2.82	2.92
Buildings Cleaner 2	2.96	3.08	3.18	3.30	3.36	3.48
Cleaner Office Bldgs.	2.52	2.52	2.74	2.74	2.92	2.92
Bldgs. C & H 1	2.94	3.06	3.34	3.46	3.52	3.65
Bldgs. C & H 2	3.20	3.33	3.42	3.55	3.60	3.75
Bldgs. C & H 3	3.23	3.48	3.46	3.73	3.63	3.91
Bldgs. C & H 4	3.91	4.24	4.19	4.53	4.40	4.76
Bldgs. Caretaker 1	3.08	3.20	3.30	3.42	3.48	3.60
Bldgs: Caretaker 2	3.20	3.33	3.42	3.55	3.60	3.73
Bldgs. Caretaker 3	3.23	3.48	3.46	3.73	3.62	3.91
Bldgs. Caretaker 4	3.48	3.77	3.73	4.03	3.91	4.23
Bldgs. Caretaker 6	4.76	5.15	5.10	5.51	5.35	5.79
Security Officer 1 (Watchman Cleaner)	3.08	3.20	3.30	3.42	3.48	3.60

96. Mr. Lupusella–Inquiry of the ministry: 1. Since January 1, 1972, what contracts were let and to which firms by the Ministry of Government Services for maintenance and cleaning services in the province of Ontario? 2. What was the value and duration of each and the wage rates paid under the contracts? 3. Who are the principal owners of each of the firms. 4. In which buildings in which places are cleaning and maintenance personnel directly hired by the government? For each building, where cleaning and maintenance personnel are directly hired by the Ontario government, what is the (a) total personnel cost, (b) cost of cleaning and maintenance materials (supplies), (c) hourly wage rate for each category of cleaner or maintenance person? With reference to (b): Are these directly purchased by government, or contracted purchase? If contract, from where? 5. Which of the firms listed in number one above have received or are currently receiving some form of government grant: how much is each grant; and for what purpose was it granted? 6. What has been the total cost of advertising by the Ministry of Government Services of tender calls for the purpose of letting all cleaning service and maintenance contracts through the province of Ontario in the fiscal years: (a) 1969-1970. (b) 1970-1971. (c) 1971-1972. (d) 1972-1973. (e) 1973-1974. (f) 1974-1975. (g) 1975-1976?

Answer by the Minister of Government Services (Mrs. Scrivener):

Definitions: To ensure that all information was compiled on the same basis, terms used in the questions were defined as follows:

"Maintenance and Cleaning Services" – Interior janitorial services

"Value" – 1. Where the contract ended prior to May 1, 1976 the amount shown (and underlined) is the amount paid to the contractor with reference to that contract.
2. Where the contract ended, or will end, subsequent to April 30, 1976 the amount shown is the value of the contract as awarded.

"Duration" – 1. Where the contract ended prior to May 1, 1976 the period shown is the actual period worked by the contractor (* indicates that the contractor worked less than the full contract term).
2. Where the contract ended, or will end, subsequent to April 30, 1976 the period shown is the term of the contract as awarded (except * indicates that the contractor worked less than the full contract term, and was paid for the work performed; the period shown in this case is the actual period worked by the contractor).

"Time Period for Reporting for Part 1" – January 1, 1972 to April 30, 1976

Note: Information re agencies, boards and commissions is not included in these answers.

The answers to parts 1 and 2 (first portion) are as follows:

Location and Company's Name	Value	Duration
Ajax		
Gord's Janitorial Service	$ 3,360.00	December 1, 1974 to November 30, 1976
Alexandria		
Mr. Bernard Charlebois	$ 1,440.00	July 1, 1972 to June 30, 1973
Mr. Bernard Charlebois	240.00	July 1, 1973 to August 31, 1973
Mr. Bernard Charlebois	1,440.00	September 1, 1973 to August 31, 1974
Mr. Bernard Charlebois	1,440.00	September 1, 1974 to August 31, 1975
Mr. Bernard Charlebois	5,280.00	September 1, 1975 to August 31, 1977
Almonte		
Mary Emon	1,200.00	April 1, 1974 to March 31, 1975
Mary Emon	1,200.00	April 1, 1975 to March 31, 1976
Mary Emon	1,200.00	April 1, 1976 to March 31, 1977
Amherstburg		
Professional Janitorial Services	9,480.00	January 1, 1976 to December 31, 1978
Windsor Janitorial Limited	958.00	October 11, 1973 to November 30, 1973
Windsor Janitorial Limited	504.00	December 1, 1973 to December 31, 1973
Windsor Janitorial Limited	10,399.92	January 1, 1974 to December 31, 1975
Windsor Janitorial Limited	560.00	November 1, 1974 to December 31, 1975
Arthur		
Howard White	2,088.00	April 1, 1974 to March 31, 1975
Howard White	2,088.00	April 1, 1975 to March 31, 1976
Howard White	4,680.00	April 1, 1976 to March 31, 1978
Atikokan		
R. Thorson	1,920.00	October 1, 1974 to September 30, 1976

Location and Company's Name	Value	Duration
Aurora		
Don Glass Building Maintenance	900.00	April 1, 1973 to March 31, 1974
Don Glass Building Maintenance	1,080.00	April 1, 1974 to March 31, 1975
Don Glass Building Maintenance	1,200.00	April 1, 1975 to March 31, 1976
Don Glass Building Maintenance	1,500.00	April 1, 1976 to March 31, 1977
Bancroft		
Henry G. Hyland	17,000.00	June 1, 1975 to May 31, 1977
Barrie		
Barrie Window Cleaners Ltd.	27,594.26	March 1, 1975 to February 29, 1976
Centre Simcoe Erectors Limited	29,960.00	March 1, 1976 to March 31, 1977
D. M. Lowe	600.00	*April 1, 1973 to February 28, 1974
Strongs Cleaning Service	10,923.96	March 1, 1974 to February 28, 1975
Strongs Cleaning Service	1,192.90	August 1, 1974 to September 30, 1974
Strongs Cleaning Service	12,808.00	*August 19, 1974 to February 28, 1975
Strongs Cleaning Service	650.00	June 17, 1976 to August 16, 1976
Belleville		
Hunt Brothers	435.00	April 1, 1972 to June 30, 1973
Hunt Brothers	2,404.50	July 1, 1973 to June 1, 1975
Hunt Brothers	50.00	June 2, 1975 to June 30, 1975
Lyle La Brash and Son	2,400.00	July 1, 1975 to June 30, 1977
Bracebridge		
Mrs. Betty Close	1,020.00	April 1, 1973 to March 31, 1974
R. & F. Industrial Maintenance	630.00	*April 1, 1974 to October 28, 1974
Bradford		
All-Round Building Maintenance	6,324.00	August 1, 1973 to March 31, 1975
Don Glass Building Maintenance	200.00	January 1, 1976 to January 31, 1976
Don Glass Building Maintenance	800.00	February 1, 1976 to March 31, 1976

Location and Company's Name	Value	Duration
Floorman Calling Service	2,400.00	April 1, 1976 to March 31, 1977
Windmill Cleaning Service	1,740.00	*April 1, 1975 to December 31, 1975
Windmill Cleaning Service	100.00	January 1, 1976 to January 31, 1976
Brampton		
Ajax Maintenance Service	800.00	March 1, 1973 to April 30, 1973
Ajax Maintenance Service	1,080.00	April 1, 1973 to March 31, 1974
Ajax Maintenance Service	1,080.00	April 1, 1974 to March 31, 1975
Ajax Maintenance Service	1,080.00	April 1, 1975 to March 31, 1976
Ajax Maintenance Service	2,400.00	April 1, 1976 to March 31, 1978
Canadian Dust Control	229.50	March 1, 1972 to March 31, 1973
Canadian Dust Control	543.00	April 1, 1973 to June 1, 1975
Hygiene Products Limited	15,204.00	August 1, 1974 to July 31, 1976
Hygiene Products Limited	30,384.00	December 2, 1974 to December 1, 1976
Work Wear Corporation	756.00	June 2, 1975 to June 1, 1977
Brantford		
Hi-Lite Maintenance	4,811.16	December 1, 1973 to December 31, 1975
Hi-Lite Maintenance	3,108.00	January 1, 1976 to December 31, 1976
Ontario Janitor Service	570.00	*April 1, 1973 to September 30, 1973
Systematic Sanitation Services	260.00	October 1, 1973 to November 30, 1973
Brockville		
Apex Building Maintenance	3,120.00	April 1, 1973 to March 31, 1974
Apex Building Maintenance	3,120.00	April 1, 1974 to March 31, 1975
Apex Building Maintenance	3,120.00	April 1, 1975 to March 31, 1976
D. & H. Janitor Services	3,952.00	April 1, 1976 to March 31, 1978
Done Right Cleaners	6,480.00	July 1, 1973 to June 30, 1975
Done Right Cleaners	2,160.00	July 1, 1975 to February 27, 1976

Location and Company's Name	Value	Duration
Burks Falls		
Mrs. G. French	600.00	April 1, 1973 to June 30, 1973
Mrs. G. French	600.00	July 1, 1973 to September 30, 1973
Mrs. G. French	1,590.00	October 1, 1973 to March 31, 1974
Mrs. G. French	6,360.00	April 1, 1974 to March 31, 1976
Mrs. G. French	1,192.50	April 1, 1976 to August 15, 1976
Burlington		
McArthur's Janitor Service	14,160.00	September 1, 1975 to August 31, 1977
Mountain Janitor Service	120.00	June 1, 1974 to August 30, 1974
Mountain Janitor Service	1,380.00	September 1, 1974 to August 31, 1975
Sunshine Window Cleaning Company Limited	14,200.00	June 1, 1973 to July 31, 1975
Sunshine Window Cleaning Company Limited	870.00	August 1, 1975 to August 31, 1975
Cambridge		
Mrs. Carol A. Scott	900.00	April 1, 1974 to March 31, 1975
Mrs. Carol A. Scott	900.00	April 1, 1975 to March 31, 1976
Mrs. Carol A. Scott	1,280.00	April 1, 1976 to July 31, 1977
Chatham		
Ambassador Building Maintenance Limited	23,979.00	August 1, 1975 to July 31, 1977
Modern Building Cleaning, Division of Dustbane Enterprises Limited	23,282.05	July 9, 1973 to June 30, 1975
Modern Building Cleaning, Division of Dustbane Enterprises Limited	746.25	July 1, 1975 to July 31, 1975
Clinton		
Miss Nancy Neal	840.00	March 1, 1974 to February 29, 1976
Mrs. Johanna Neal	1,700.00	March 1, 1976 to July 31, 1977
Colborne		
Franglo Cleaning Contractors	7,200.00	May 1, 1976 to April 30, 1978
Like New Building Maintenance	4,800.00	May 1, 1974 to April 30, 1976
Concord		
First Class Janitorial Service	1,980.00	April 1, 1976 to March 31, 1977
Windmill Cleaning Services	540.00	*December 13, 1975 to March 31, 1976

Location and Company's Name	Value	Duration
Cornwall		
Briteway Building Maintenance	1,440.00	May 1, 1972 to April 30, 1973
Briteway Building Maintenance	720.00	May 1, 1973 to October 31, 1973
Briteway Building Maintenance	1,800.00	November 1, 1973 to October 31, 1974
Briteway Building Maintenance	1,800.00	November 1, 1974 to October 31, 1975
Briteway Building Maintenance	4,250.00	November 1, 1975 to October 31, 1977
Cornwall Window and Floor Cleaning Services Limited	840.00	April 1, 1973 to March 31, 1974
Cornwall Window and Floor Cleaning Services Limited	1,164.00	April 1, 1974 to March 31, 1975
Cornwall Window and Floor Cleaning Services Limited	1,164.00	April 1, 1975 to March 31, 1976
Cornwall Window and Floor Cleaning Services Limited	1,164.00	April 1, 1976 to March 31, 1977
Mrs. Olga Hill	2,892.00	September 1, 1973 to August 31, 1974
Mrs. Olga Hill	3,240.00	September 1, 1974 to August 31, 1975
Mrs. Olga Hill	6,480.00	September 1, 1975 to August 31, 1977
Dryden		
Mrs. Herma Bernier	1,050.00	December 13, 1974 to August 30, 1976
Judith and Herma Bernier	1,200.00	October 1, 1975 to September 30, 1976
Mr. J. Boyko	212.00	August 11, 1975 to September 30, 1975
Mrs. S. Leason	2,000.00	January 2, 1974 to August 30, 1976
Loryaines Cleaning Service	180.00	January 1, 1976 to January 1, 1977
D. A. McDonald	975.00	November 1, 1974 to February 8, 1976
D. A. McDonald	1,875.00	November 1, 1974 to February 8, 1976
D. A. McDonald	840.00	December 1, 1974 to February 8, 1976
D. A. McDonald	509.60	February 9, 1976 to August 31, 1976
D. A. McDonald	980.00	February 9, 1976 to August 31, 1976
D. A. McDonald	470.00	February 9, 1976 to August 31, 1976
Mrs. Helmi Neely	1,260.00	August 8, 1973 to November 30, 1975
Mrs. Helmi Neely	495.00	December 1, 1975 to August 31, 1976
Mrs. S. Wladyko	2,159.64	June 1, 1973 to September 6, 1976

Location and Company's Name	Value	Duration
Elliot Lake		
H. Fisher	1,320.00	April 1, 1975 to February 29, 1976
H. Fisher	2,880.00	March 1, 1976 to February 28, 1978
Espanola		
G. & P. Belanger	130.00	January 1, 1976 to February 29, 1976
G. & P. Belanger	1,800.00	March 1, 1976 to February 28, 1978
Jo Ann Belanger	845.00	August 1, 1974 to July 31, 1975
P. Belanger	260.00	August 1, 1975 to February 29, 1976
Fort Frances		
Fort Frances General Contracting	42,000.00	August 1, 1975 to July 31, 1977
Bodil Larsen	1,360.00	November 15, 1973 to October 1, 1974
Bodil Larsen	3,150.00	October 2, 1974 to June 30, 1976
Bodil Larsen	272.00	February 10, 1975 to May 31, 1975
Bodil Larsen	845.00	June 1, 1975 to June 30, 1976
Bodil Larsen	1,040.00	June 1, 1975 to June 30, 1976
Bernice Robb	2,050.00	April 1, 1973 to August 31, 1976
Georgetown		
Success Maintenance	832.00	April 1, 1973 to March 31, 1974
Success Maintenance	910.00	April 1, 1974 to March 31, 1975
Success Maintenance	657.00	*April 1, 1975 to November 30, 1975
Geraldton		
Mrs. L. Lester	550.00	August 1, 1974 to June 30, 1975
Mrs. L. Lester	825.00	October 1, 1975 to August 31, 1976
A. Porcellana	2,160.00	September 1, 1974 to August 31, 1976
Glencoe		
P. R. Giles Maintenance	1,554.00	October 1, 1973 to March 31, 1975
Handiman Maintenance	1,610.00	April 1, 1975 to May 31, 1976

Location and Company's Name	Value	Duration
Gravenhurst		
R. & F. Industrial Maintenance	1,290.00	August 1, 1974 to March 31, 1975
R. & F. Industrial Maintenance	3,300.00	April 1, 1975 to March 31, 1976
R. & F. Industrial Maintenance	3,600.00	April 1, 1976 to March 31, 1977
Guelph		
Povey-Armour Janitor Services Limited	37,518.09	April 1, 1974 to March 31, 1976
Povey-Armour Janitor Services Limited	45,600.00	April 1, 1976 to March 31, 1978
Haileybury		
Verut Commercial Cleaning	11,948.40	December 2, 1974 to November 30, 1976
Hamilton		
(See answer to Question No. 67, Order Paper No. 23, April 21, 1976)		
Harriston		
Thomas A. Lloyd	5,760.00	February 1, 1976 to January 31, 1979
Hill Island		
Cheverie Enterprises	7,072.00	April 1, 1976 to March 31, 1978
Mrs. Doreen Cranker	3,120.00	April 1, 1973 to March 31, 1974
Mrs. Doreen Cranker	3,336.00	April 1, 1974 to March 31, 1975
Mrs. Doreen Cranker	3,336.00	April 1, 1975 to March 31, 1976
Homer		
Scott Janitorial Services Limited	8,500.00	August 12, 1974 to August 11, 1976
Huntsville		
Dave Gould Cleaning	8,500.00	April 1, 1976 to March 31, 1977
Huron Park		
Modern Building Cleaning, Division of Dustbane Enterprises Limited	79,529.00	September 2, 1974 to September 1, 1976
Kapuskasing		
Mrs. C. Rozon	720.00	April 1, 1973 to March 31, 1974
Mrs. C. Rozon	3,000.00	April 1, 1974 to March 31, 1976

Location and Company's Name	Value	Duration
Keewatin		
Herdis Larsen	1,380.00	September 1, 1973 to August 31, 1974
Herdis Larsen	700.00	September 1, 1974 to December 31, 1974
Herdis Larsen	3,640.00	January 1, 1975 to August 31, 1976
Kemptville		
K. Gilmer	5,776.00	December 23, 1975 to June 23, 1977
Kenora		
Mrs. E. Golschesky	6,060.00	August 1, 1974 to August 31, 1976
Mrs. E. Golschesky	6,100.00	November 15, 1974 to September 15, 1976
Mrs. J. Olsen	2,640.00	April 1, 1973 to August 31, 1976
Kingston		
Clean-All Janitorial Service	3,000.00	April 1, 1976 to March 31, 1978
Cross Town Cleaners	74,514.00	June 1, 1974 to May 30, 1976
Cross Town Cleaners	1,040.00	April 1, 1975 to April 30, 1976
Cross Town Cleaners	1,920.00	May 1, 1976 to April 30, 1978
Modern Building Cleaning, Division of Dustbane Enterprises Limited	73,392.00	April 1, 1972 to March 31, 1974
Modern Building Cleaning, Division of Dustbane Enterprises Limited	6,116.00	April 1, 1974 to May 30, 1974
Harrison Janitors	6,696.00	August 1, 1972 to July 31, 1974
Harrison Janitors	558.00	August 1, 1974 to September 30, 1974
Harrison Janitors	1,650.00	April 1, 1973 to March 31, 1974
Harrison Janitors	5,280.00	October 1, 1973 to September 30, 1975
Harrison Janitors	660.00	October 1, 1975 to December 31, 1975
Harrison Janitors	1,800.00	April 1, 1974 to March 31, 1975
Harrison Janitors	6,696.00	October 1, 1974 to September 30, 1976
Harrison Janitors	1,800.00	April 1, 1975 to March 31, 1976
Harrison Janitors	6,696.00	January 1, 1976 to December 31, 1977

Location and Company's Name	Value	Duration
Mrs. Ken Smallridge	330.00	February 1, 1975 to March 31, 1975
Mrs. Ken Smallridge	2,227.50	April 1, 1975 to May 15, 1976
Windmill Cleaners	900.00	April 1, 1972 to March 31, 1973
Art Wubban Office Cleaning	2,400.00	April 1, 1974 to March 31, 1975
Kirkland Lake		
J. H. Goodman Janitorial Service	916.00	April 1, 1973 to July 31, 1973
J. H. Goodman Janitorial Service	1,832.00	August 1, 1973 to March 31, 1974
J. H. Goodman Janitorial Service	458.00	April 1, 1974 to May 31, 1974
J. H. Goodman Janitorial Service	1,193.90	November 8, 1975 to January 16, 1976
J. H. Goodman Janitorial Service	325.00	November 1, 1975 to November 30, 1975
J. H. Goodman Janitorial Service	7,800.00	December 1, 1975 to November 30, 1977
L. Heroux	165.00	April 1, 1973 to June 30, 1973
L. Heroux	495.00	July 1, 1973 to March 31, 1974
L. Heroux	1,920.00	April 1, 1974 to March 31, 1976
L. Heroux	80.00	April 1, 1976 to April 30, 1976
Mrs. A. Lachance	4,800.00	April 1, 1974 to March 31, 1976
Mrs. A. Lachance	200.00	April 1, 1976 to April 30, 1976
Gordon A. MacEachern Limited	13,200.00	January 17, 1976 to January 16, 1978
Gordon A. MacEachern Limited	2,352.00	May 1, 1976 to April 30, 1978
Gordon A. MacEachern Limited	4,776.00	May 1, 1976 to April 30, 1978
Mrs. C. Pearce	450.50	April 1, 1975 to July 31, 1975
Professional Janitorial Services	2,000.00	*June 2, 1975 to November 8, 1975
Superior Maintenance	4,271.00	*June 10, 1974 to May 13, 1975
Kitchener		
Arts Janitorial Service	3,000.00	March 1, 1976 to February 28, 1977
Knightly Janitorial	3,432.00	June 1, 1975 to May 31, 1977
Schnarr's Cleaning Service	2,864.52	March 1, 1975 to February 28, 1976
Witmer Enterprises	2,488.20	*March 1, 1974 to February 28, 1975

Location and Company's Name	Value	Duration
Lansdowne		
Cheverie Janitors	3,380.04	April 1, 1973 to March 31, 1974
Lindsay		
Copelands Cleaning	1,065.60	April 1, 1972 to September 30, 1973
Copelands Cleaning	396.00	April 1, 1972 to September 30, 1973
Copelands Cleaning	1,686.15	April 1, 1972 to June 30, 1974
Copelands Cleaning	1,320.00	October 11, 1972 to October 11, 1973
Copelands Cleaning	660.00	November 1, 1972 to April 30, 1973
Copelands Cleaning	3,960.00	October 12, 1973 to October 12, 1975
Copelands Cleaning	437.55	October 13, 1975 to December 31, 1975
Copelands Cleaning	1,600.00	*July 2, 1974 to October 31, 1975
Sheridans Janitor Service	2,400.00	December 1, 1974 to November 30, 1976
Sheridans Janitor Service	3,000.00	January 1, 1976 to December 31, 1977
London		
(See answer to Question No. 67, Order Paper No. 23, April 21, 1976)		
L'Orignal		
Mrs. Georgina Sequin	1,200.00	May 1, 1972 to April 30, 1973
Mrs. Georgina Sequin	1,200.00	May 1, 1973 to April 30, 1974
Mrs. Georgina Sequin	1,200.00	May 1, 1974 to April 30, 1975
Mrs. Georgina Sequin	1,100.00	May 1, 1975 to March 30, 1976
Mrs. Georgina Sequin	1,200.00	April 1, 1976 to March 31, 1977
Midland		
D & J Window Cleaning	845.00	March 1, 1976 to March 31, 1977
Mississauga		
Mops Unlimited Incorporated	10,800.00	December 1, 1975 to November 30, 1977
Mops Unlimited Incorporated	2,208.00	January 15, 1976 to January 14, 1978
New Life Building Maintenance of Canada	6,968.00	November 1, 1973 to October 31, 1975

Location and Company's Name	Value	Duration
Oka Janitorial and Supply	2,520.00	March 8, 1976 to March 7, 1978
Olympia Cleaners & Maintenance Co.	6,801.12	November 1, 1973 to October 31, 1975
The Caretakers	15,399.84	November 1, 1975 to October 31, 1977
The Caretakers	13,555.84	November 1, 1975 to October 31, 1977
Morrisburg		
E. E. Billings	1,440.00	April 1, 1972 to November 30, 1972
E. E. Billings	960.00	April 1, 1972 to November 30, 1972
E. E. Billings	2,400.00	December 1, 1972 to November 30, 1973
E. E. Billings	1,560.00	December 1, 1972 to November 30, 1973
E. E. Billings	1,560.00	December 1, 1973 to November 30, 1974
E. E. Billings	2,400.00	December 1, 1973 to November 30, 1974
E. E. Billings	2,400.00	December 1, 1974 to November 30, 1975
E. E. Billings	1,560.00	December 1, 1974 to November 30, 1975
E. E. Billings	3,200.00	December 1, 1975 to March 31, 1977
E. E. Billings	2,080.00	December 1, 1975 to March 31, 1977
New Liskeard		
Mr. A. Meunier	300.00	August 1, 1973 to August 31, 1973
Mr. A. Meunier	525.00	September 1, 1973 to March 31, 1974
Mr. A. Meunier	1,743.75	April 1, 1974 to March 31, 1976
Mr. A. Meunier	1,920.00	April 1, 1976 to March 31, 1978
Newmarket		
Don Glass Building Maintenance	3,429.96	April 1, 1974 to March 31, 1975
Don Glass Building Maintenance	4,500.00	April 1, 1976 to March 31, 1977
Mrs. J. Goldsmith	333.34	April 1, 1973 to April 30, 1973
Mrs. J. Goldsmith	1,000.02	May 1, 1973 to July 31, 1973
Mrs. J. Goldsmith	2,666.72	August 1, 1973 to March 31, 1974
Windmill Cleaning Services	5,670.00	April 1, 1975 to March 31, 1976

Location and Company's Name	Value	Duration
Niagara Falls		
Commercial Cleaning Service	4,230.00	April 1, 1973 to March 31, 1974
Commercial Cleaning Service	9,416.00	April 1, 1974 to March 31, 1976
Commercial Cleaning Service	13,464.00	April 1, 1976 to March 31, 1978
Niagara Falls Cleaning Contractors Limited	519.76	April 1, 1973 to November 30, 1973
Niagara Falls Cleaning Contractors Limited	855.84	December 1, 1973 to November 30, 1974
Niagara Falls Cleaning Contractors Limited	79.30	December 1, 1974 to December 31, 1974
Niagara Falls Cleaning Contractors Limited	3,128.40	January 1, 1975 to December 31, 1976
North Bay		
Bay Maintenance Service Limited	4,440.00	July 1, 1974 to June 30, 1976
Bay Maintenance Service Limited	17,040.00	December 2, 1974 to November 30, 1976
Commercial Janitor Service	3,000.00	*April 1, 1974 to September 13, 1974
Gordon A. MacEachern Limited	6,960.00	August 1, 1975 to July 31, 1977
Oakville		
Town and Country Maintenance	450.00	April 1, 1973 to September 30, 1973
Town and Country Maintenance	900.00	October 1, 1973 to September 30, 1974
Town and Country Maintenance	925.00	October 1, 1974 to September 30, 1975
Town and Country Maintenance	75.00	October 1, 1975 to October 31, 1975
Town and Country Maintenance	2,640.00	November 1, 1975 to October 31, 1977
Town and Country Maintenance	4,200.00	June 2, 1975 to June 1, 1977
Orangeville		
Reliable Maintenance	1,344.00	April 1, 1975 to March 31, 1976
Superior Maintenance	1,008.00	April 1, 1973 to March 31, 1974
Superior Maintenance	1,008.00	April 1, 1974 to March 31, 1975
Superior Maintenance	1,050.00	April 1, 1976 to March 31, 1977
Orillia		
Clark Cleaning Service	75.00	*March 1, 1973 to March 31, 1973
Clark Cleaning Service	2,340.00	April 1, 1973 to March 31, 1974

Location and Company's Name	Value	Duration
Clark Cleaning Service	2,200.00	*April 1, 1974 to January 1, 1975
Lawrence Lebarron	2,275.00	*April 1, 1975 to December 31, 1975
R & F Industrial Maintenance	1,224.00	April 1, 1973 to March 31, 1974
R & F Industrial Maintenance	1,320.00	April 1, 1974 to March 31, 1975
R & F Industrial Maintenance	1,560.00	April 1, 1975 to March 31, 1976
R & F Industrial Maintenance	4,950.00	January 1, 1976 to March 31, 1977
R & F Industrial Maintenance	1,740.00	April 1, 1976 to March 31, 1977
Strong's Cleaning Services	525.00	*February 1, 1975 to March 31, 1975
Oshawa		
Gord's Janitorial Services	8,900.00	January 1, 1976 to December 31, 1977
Mrs. L. Perry	750.00	April 1, 1972 to July 30, 1974
Pioneer Floor and Carpet Care	9,768.69	January 7, 1974 to December 31, 1975
Ottawa		
(See answers to Question No. 67, Order Paper No. 23, April 21, 1976)		
Owen Sound		
A-1 Cleaning Services	239.00	December 1, 1974 to March 31, 1975
A-1 Cleaning Services	510.00	October 1, 1975 to March 31, 1976
A-1 Cleaning Services	2,700.00	April 1, 1976 to November 30, 1977
Pembroke		
Halbe De Jong	1,800.00	October 1, 1973 to September 30, 1974
Halbe De Jong	200.00	February 1, 1974 to March 31, 1974
	1,800.00	April 1, 1974 to March 31, 1975
Halbe De Jong	1,800.00	October 1, 1974 to September 30, 1975
Halbe De Jong	1,800.00	April 1, 1975 to March 31, 1976
Halbe De Jonge	2,700.00	October 1, 1975 to March 31, 1977
Halbe De Jong	1,800.00	April 1, 1976 to March 31, 1977
Gerald Edwards	1,200.00	April 1, 1972 to March 31, 1973
Gerald Edwards	1,000.00	April 1, 1973 to March 31, 1974

Location and Company's Name	Value	Duration
P. McCrae	1,200.00	July 1, 1972 to June 30, 1973
P. McCrae	300.00	July 1, 1973 to September 30, 1973
Mike Toner	2,400.00	May 1, 1972 to April 30, 1973
Mike Toner	2,400.00	May 1, 1973 to April 30, 1974
Peterborough		
Robert Cruikshank Cleaning Contractor Limited	2,061.00	April 1, 1974 to March 31, 1976
Robert Cruikshank Cleaning Contractor Limited	3,864.00	April 1, 1976 to March 31, 1978
General Builting Maintenance	5,760.00	January 1, 1976 to December 31, 1977
Picton		
Cheverie Enterprises	4,500.00	May 1, 1976 to April 30, 1978
Prince Edward Cleaners	3,900.00	May 1, 1975 to April 30, 1976
Port Hope		
Franglo Cleaning Contractors	3,600.00	April 1, 1974 to March 31, 1976
Franglo Cleaning Contractors	6,500.00	April 1, 1974 to March 31, 1976
Franglo Cleaning Contractors	2,166.64	April 1, 1976 to November 30, 1976
Franglo Cleaning Contractors	1,800.00	December 1, 1974 to November 30, 1975
Franglo Cleaning Contractors	150.00	December 1, 1975 to December 31, 1975
Franglo Cleaning Contractors	100.00	January 1, 1975 to January 31, 1975
Franglo Cleaning Contractors	4,800.00	January 1, 1976 to December 31, 1977
Mann's Cleaning Contractors	3,120.00	April 1, 1971 to March 31, 1973
Wrights Window Washing	3,800.00	April 1, 1976 to March 31, 1978
Prescott		
Fern Byrd	900.00	May 1, 1974 to September 3, 1974
D. & D. Janitor Service	1,200.00	May 1, 1975 to September 2, 1975
D. & D. Janitor Service	1,286.00	May 1, 1976 to September 10, 1976
James Tyo	1,200.00	May 1, 1972 to April 30, 1973
James Tyo	1,200.00	May 1, 1973 to April 30, 1974

Location and Company's Name	Value	Duration
James Tyo	1,200.00	May 1, 1974 to April 30, 1975
James Tyo	1,200.00	May 1, 1975 to April 30, 1976
James Tyo	1,200.00	May 1, 1976 to April 30, 1977
Red Lake		
New Superior Maintenance Service	5,400.00	July 31, 1974 to July 31, 1976
Norman Ragousky	2,700.00	August 1, 1973 to July 31, 1974
Norman Ragousky	1,200.00	September 2, 1974 to August 31, 1976
Renfrew		
Jacob Hultink	720.00	April 1, 1973 to March 31, 1974
Jacob Hultink	720.00	April 1, 1974 to March 31, 1975
Hultinks Landscaping	1,200.00	April 1, 1975 to March 31, 1976
Hultinks Landscaping	2,400.00	April 1, 1976 to March 31, 1978
Richmond Hill		
B. & T. Maintenance	607.50	*March 1, 1974 to March 31, 1974
First Class Janitorial Service	1,260.00	April 1, 1976 to March 31, 1977
Floorman Calling Service	5,880.00	April 1, 1974 to March 31, 1975
Floorman Calling Service	6,000.00	April 1, 1976 to March 31, 1977
Marshall Maintenance	6,512.00	April 1, 1975 to March 31, 1976
Mr. Henry Zapalowski	320.00	*December 15, 1975 to March 31, 1976
Rockford		
D. & H. Janitor Service	1,380.00	February 17, 1975 to February 16, 1976
D. & H. Janitor Service	1,500.00	February 17, 1976 to February 16, 1977
Russell		
Mrs. Bessie Honey	1,200.00	May 1, 1972 to April 30, 1973
Mrs. Bessie Honey	1,200.00	May 1, 1973 to April 30, 1974
Mrs. Bessie Honey	1,200.00	May 1, 1974 to April 30, 1975
Mrs. Bessie Honey	1,200.00	May 1, 1975 to April 30, 1976
Mrs. Bessie Honey	1,200.00	May 1, 1976 to April 30, 1977

Location and Company's Name	Value	Duration
Sault Ste. Marie		
D'Urzo Janitorial Service Inc.	2,928.99	April 1, 1974 to March 31, 1976
D'Urzo Janitorial Service Inc.	3,248.47	August 1, 1974 to July 31, 1976
D'Urzo Janitorial Service Inc.	8,166.90	June 2, 1975 to June 1, 1977
D'Urzo Janitorial Service Inc.	3,703.68	April 1, 1976 to March 31, 1978
Mrs. L. Evans	480.00	March 1, 1973 to October 31, 1973
Mrs. L. Evans	400.00	November 1, 1973 to March 31, 1974
King's Northern Interior Cleaners Limited	5,520.00	February 2, 1976 to February 1, 1978
Gordon A. MacEachern Limited	23,712.00	January 5, 1976 to January 4, 1978
Gordon A. MacEachern Limited	2,860.00	April 1, 1976 to March 31, 1977
Sparkling Cleaners and Janitor Services	7,618.32	January 2, 1974 to December 31, 1975
Sparkling Cleaners and Janitor Services	1,136.42	April 1, 1975 to May 31, 1975
Sparkling Cleaners and Janitor Services	317.43	January 1, 1976 to January 31, 1976
St. Catharines		
Robert Barrow Limited	1,344.00	April 1, 1973 to March 31, 1974
Barton Bellmore	180.00	April 1, 1974 to April 30, 1974
Four Seasons Cleaning Service	4,800.00	May 1, 1976 to April 30, 1978
Snow White Cleaning	4,728.00	May 1, 1974 to April 30, 1976
Simcoe		
D. & H. Janitor Services	480.00	April 1, 1973 to March 31, 1974
D. & H. Janitor Services	480.00	April 1, 1974 to March 31, 1975
D. & H. Janitor Services	1,320.00	January 1, 1975 to December 31, 1976
D. & H. Janitor Services	1,200.00	April 1, 1975 to March 31, 1977
Norfolk Maintenance Services Limited	39,980.16	January 29, 1973 to January 28, 1975
Norfolk Maintenance Services Limited	19,990.08	January 29, 1975 to January 28, 1976
Norfolk Maintenance Services Limited	43,661.00	January 29, 1976 to January 28, 1978
Viking Janitor Services	831.96	November 1, 1972 to October 31, 1973
Viking Janitor Services	831.96	November 1, 1973 to October 31, 1974
Viking Janitor Services	187.00	November 1, 1974 to December 31, 1974

Location and Company's Name	Value	Duration
Smiths Falls		
Domestic Service	720.00	April 1, 1973 to March 31, 1974
Smiths Cleaning Services	1,194.96	April 1, 1974 to March 31, 1975
Smiths Cleaning Services	1,195.00	April 1, 1975 to March 31, 1976
Smiths Cleaning Services	2,389.00	April 1, 1976 to March 31, 1978
Sudbury		
(See answer to Question No. 67, Order Paper No. 23, April 21, 1976)		
Thunder Bay		
(See answer to Question No. 67, Order Paper No. 23, April 21, 1976)		
Timmins		
(See answer to Question No. 67, Order Paper No. 23, April 21, 1976)		
Toronto (Metropolitan)		
(See answer to Question No. 67, Order Paper No. 23, April 21, 1976)		
Wawa		
Mrs. E. Barstead	1,440.00	April 1, 1974 to March 31, 1976
Mrs. E. Barstead	1,440.00	April 1, 1976 to March 31, 1978
Mrs. M. Skryda	150.00	April 1, 1973 to June 30, 1973
Mrs. M. Skryda	530.00	July 1, 1973 to March 31, 1974
Welland		
Mrs. D. Bell	360.00	April 1, 1973 to March 31, 1974
Mrs. D. Bell	480.00	*April 1, 1974 to May 31, 1974
Crystal Window and Floor Cleaners	1,800.00	April 1, 1973 to March 31, 1974
Crystal Window and Floor Cleaners	1,800.00	April 1, 1974 to March 31, 1975
Crystal Window and Floor Cleaners	475.00	*April 1, 1975 to June 30, 1975
Mrs. J. Laverdiere	1,800.00	July 1, 1974 to June 30, 1975
Mrs. J. Laverdiere	700.00	July 1, 1975 October 31, 1975
Mrs. J. Laverdiere	6,000.00	November 1, 1975 to October 31, 1977

Location and Company's Name	Value	Duration
Whitby		
Gord's Janitorial Service	1,800.00	January 1, 1976 to December 31, 1977
Y. & R. Properties	12,633.60	October 14, 1974 to October 14, 1976
Winchester		
C. Bolton	840.00	April 1, 1973 to March 31, 1974
C. Bolton	840.00	April 1, 1974 to March 31, 1975
C. Bolton	840.00	April 1, 1975 to March 31, 1976
Jean Porteous	2,400.00	April 1, 1976 to March 31, 1978
Windsor		
(See answer to Question No. 67, Order Paper No. 23, April 21, 1976)		

Part 2 (second portion): (What were) the wage rates paid under the contracts?

The wage rates paid by the contractors listed are not known since they were not requested in the tender documents, but all specifications for these contracts required the payment of at least the Ontario minimum wage and, since late 1975, for work tendered in Metropolitan Toronto, the payment of at least the fair wage rates is established by the Ontario Ministry of Labour and stated in the tender documents.

Part 3: Who are the principal owners of each of the firms?

The information was not requested in the tender documents for the contracts listed.

Part 4 (except clause (c)): In which buildings in which places are cleaning and maintenance personnel directly hired by the government? For each building, where cleaning and maintenance personnel are directly hired by the Ontario Government, what is the (a) total personnel cost, (b) of cleaning and maintenance materials (supplies)? With reference to (b): Are these directly supplied by the government or contracted purchase? If contract, from where?

The information requested in clause (c) of part 4, is provided as a separate and subsequent answer. It is too difficult, time consuming and costly to prepare a complete answer for the entire province for the remainder of this question. However, data could be provided for a specific location.

Part 4 (c): Hourly wage rate for each category of cleaner or maintenance person.

Hourly wage rates as of December 31, 1975, for classified and unclassified staff were as follows:

	Minimum	Maximum
Buildings cleaner 1	3.62	3.74
Buildings cleaner 2	4.30	4.46
Cleaner office buildings	3.74	3.74
Buildings cleaner and helper 1	4.28	4.43
Buildings cleaner and helper 2	4.62	4.79
Buildings cleaner and helper 3	4.65	5.01
Buildings cleaner and helper 4	5.64	6.10
Buildings caretaker 1	4.46	4.62
Buildings caretaker 2	4.62	4.79
Buildings caretaker 3	4.65	5.39
Buildings caretaker 4	5.01	5.43
Buildings caretaker 6	6.86	7.42
Security officer 1 (watchman/cleaner)	4.46	4.62

Part 5: Which of the firms listed in number one above have received or are currently receiving some form of government grant; how much is each grant; and for what purpose was it granted?

None of the firms listed have received any form of government grant as janitorial contractors.

Part 6: What has been the total cost of advertising by the Ministry of Government Services of tender calls for the purpose of letting all cleaning service and maintenance contracts through the province of Ontario in the fiscal years: (a) 1969-1970, (b) 1970-1971, (c) 1971-1972, (d) 1972-1973, (e) 1974-1975, (g) 1975-1976?

Data cannot be provided for the fiscal years stated in the question, but for the period January 1, 1976, to June 30, 1976, the cost of advertising tender calls for janitorial work contracts by the Ministry of Government Services was $3,978.11.

179. Mr. Warner—Inquiry of the ministry: Will the Minister of Colleges and Universities endorse the principle of paid educational leave defined as leave granted for educational purposes, such as career development, during working hours without loss of earnings and benefits, and make paid educational leave available to the non-teaching staff of colleges and universities? Further, will the minister ensure that paid educational leave will be funded and implemented by a combination of collective agreement, legislation, and regulation? Will the minister guarantee that paid educational leave shall in no way affect the normal rights and benefits derived from an employment relationship?

Answer by the Minister of Colleges and Universities (Mr. Parrott):

For the community college system, the government has established collective bargaining legislation which allows for the negotiation of all terms and conditions of employment, except superannuation.

In so far as the universities are concerned, since these institutions are autonomous, operating under their own acts, it is up to the employee and the employer to negotiate wages and fringe benefits. For the Minister of Colleges and Universities to insist through legislation or regulation that employees shall have paid educational leave, or that employers must provide same, would be an unwarranted and arbitrary intrusion into negotiations between employer and employee. No matter how worthy the cause, this would establish a significant precedent of government interference.

It is naive to think that paid educational leave can be provided free, as it undoubtedly represents a cost to the institution, both to deliver the educational service, and in the loss of the services of the employee. There is no additional money available to give the institutions to provide such leave, which means it must necessarily be a tradeoff with other wages or benefits. The parties involved should have the freedom to make that choice, it should not be dictated by government fiat.

194. Mr. Cassidy—Inquiry of the ministry: How many editions a year are there of Environment Ontario Legacy; how many copies are printed; to whom is the newspaper distributed; what is the cost of producing the newspaper; what are the editorial and staff-costs of producing each issue; what are the distribution costs of each issue?

Answer by the Minister of the Environment (Mr. Kerr):

1. Editions: The bi-monthly external tabloid newspaper is published five or six times each year.

2. Circulation: The normal press run of 22,000 is frequently increased to accommodate distribution at special events, such as fairs and exhibitions in which the ministry participates. Maximum press run is 29,000.

3. Distribution: Legacy reaches: All elementary, secondary and post-secondary schools; public libraries; cottage and naturalist associations; conservation authorities; environmental groups such as Pollution Probe; media outlets; municipal councils and staff; engineers and others professionally involved in environmental matters, as well as internally throughout the Ontario government including MPPs. Private citizens receive Legacy subscriptions on request.

4. Production Costs: Average per issue cost since April 1975 is $0.08. Number of pages per issue varies from eight to 16. Full colour is used in up to three issues a year. Average cost per issue is $1,700. This becomes approximately $2,850 per issue for colour issues and the amortization of overruns.

5. Annual Staff Costs: Editor, $10,250; summer staff, $750; photographic and graphics staff $2,100; travel and accommodation, $4.500; total, $17,600*.

Based on six issues per year, staff costs per issue are $2,933. (*Staff costs are estimated in proportion to other branch duties. Travelling assignments for Legacy are usually arranged in conjunction with other branch requirements.)

6. Distribution Costs: Distribution by the Ministry of Government Services is estimated to be $1,400 per issue including labelling, handling and foreign and domestic postage.

182. Mr. Nixon—Inquiry of the ministry: What proportion of the old Mount Sinai Hospital has been put to alternative use? What is the timetable to bring it into full alternative use? What is the cost of maintaining it?

Answer by the Minister of Health (Mr. F. S. Miller):

Contractors are at present working on the renovation of the entire old Mount Sinai Hospital to make it suitable for use by chronic care patients. It is expected that the first patients will be admitted in the spring of 1977 and the hospital should be in full use by the fall. The present cost of maintaining this building is approximately $20,000 per month.

193. Mr. Cassidy—Inquiry of the ministry: What research activities are being undertaken by the Youth Secretariat to assist in the planning and development of provincial employment programmes for young people? What are the major findings to date of this research? How much is this research costing, and to whom are its findings directed? Will the ministry table the research reports on: (a) analysis of applicants to the Ontario Experience programme; (b) the telephone survey of young people conducted by the Youth Secretariat; (c) the mailed questionnaire to a random sample of employers; (d) qualitative field interviews, all undertaken as part of the research activities concerned with provincial employment programmes for young people? Will the ministry explain why Ontario conducts no research attempting to forecast job opportunities for young people over the coming years?

Answer by the Provincial Secretary for Social Development (Mrs. Birch):

Four research projects are being undertaken by the Ontario Youth Secretariat to assist in the planning and development of provincial employment programmes for young people: (a) analysis of applicants to the Ontario Experience programme; (b) the telephone survey of young people; (c) the mailed questionnaire to a random sample of employers; and (d) the qualitative field interviews.

The major findings, to date, of this research are in the following areas: knowledge of the age, sex and geographic location of applicants to the Experience programme; knowledge of employer's assessment of the distribution of summer job availability in particular regions based on the relative strengths of the industrial, retail and public sectors of the regional economies.

The cost of these projects is $72,000 and findings are directed to those designing future provincial employment programmes for young people. Reports documenting these research projects will be made available upon their completion.

The federal government has the responsibility for forecasting job opportunities. The government of Ontario does not believe in duplication of effort, and so, has not undertaken research in the area of forecasting job opportunities for young people over the coming years.

190. Mr. Mancini—Inquiry of the ministry: Would the Minister without Portfolio (Lambton) furnish a detailed copy of his itinerary from November 1, 1975, listing all meetings attended by him for the purpose of conducting government business, and the names and addresses, where possible, of those in attendance?

Answer by the Minister without Portfolio (Mr. Henderson):

1975

1. November 5—Channel 42 Opening, Wallaceburg;
2. November 17—William Stewart Retirement Night, 1,200 guests attended;
3. November 22—Elmer Teft reception, Sarnia;
4. November 29—Windsor Multicultural Society, attended by several local citizens;
5. November 29—Essex county opening civic centre, attended by several local citizens;

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6. January 8—Official opening, Canterbury Inn, Sarnia, several local politicians;
7. January 9—Windsor cabinet meeting and local municipal officials;
8. January 22—London cabinet and local municipal officials;
9. February 5—Ontario farm drainage conference, London, and attended by western Ontario drainage contractors;
10. April 23—John Smith Night, attended by 600 people and the mayor of Hamilton;
11. May 1—Sarnia Lambton planning study, Point Edward, attended by several local officials;
12. May 14, 15 and 16—Ontario Progressive Conservative Conference at the Inn on the Park;
13. May 26—Three days, Municipal Liaison Committee—Macdonald Block, municipal liaison officials;
14. June 6 to June 11—Habitat Conference, Vancouver, BC; United Nations Conference on Human Settlements; five days; 100 countries represented;
15. June 16—Ontario Place, visitors re Habitat Conference;
16. June 28—Wally Downer Night—Collingwood, attended by several hundred people;
17. July 12—Newbury Hospital Board and officials;
18. July 17—Olympics official opening;
19. August 1—Closing ceremonies Olympics, Montreal;
20. August 25—Sarnia, Judge Hugh Garrett;
21. August 26—Official opening Sun Oil;
22. August 27—Sod turning, Sarnia Transport bus maintenance and storage garage; Transportation and Communications;
23. August 30—Thunder Bay, Professional Foresters Association;
24. September 14—Prime Minister of Great Britain; dinner attended by cabinet colleagues;
25. September 24—Skyline Hotel—Hon. William and Kathy Davis, attended by 1,200 people.
26. September 28—Provincial ploughing match, Bruce county;
27. October 4—Public meeting, Ridgetown Agricultural College, attended by 75 farmers and members from the Liberal caucus;
28. October 7—Official opening, Lambton water plant, Sarnia;
29. October 8—Tour St. Clair Park facilities; Hon. James Snow, local officers;
30. October 28—Windsor Chamber of Commerce and Essex County Conservation Authority, Windsor;
31. October 29—Leamington, special night, attended by Premier of Ontario and many special people from the local area;
32. October 30—Glencoe, Four County Horsemen Association;
33. November 6—Town of Essex, street opening attended by local officials;
34. November 17—St. Clair Regional Conservation Authority, Wyoming, attended by members.

APPENDIX B

Standing Resources Development Committee

THURSDAY, DECEMBER 16, 1976

The committee met at 10:05 a.m.

THE WORKMEN'S COMPENSATION BOARD
(continued)

Mr. Starr: Mr. Chairman, with the permission of the members of the committee, yesterday upon the conclusion of Mr. Stephen Lewis's observations, Dr. McCracken was going to make some comments when he was interrupted and never had the opportunity to do so. I wonder if the committee would afford him the opportunity to make those comments now on what I consider and this committee considers to be a very serious problem.

Mr. Bain: Mr. Chairman, speaking to that point, I don't think we have any objections to hearing Dr. McCracken. The only problem is that our time is extremely limited and there are a number of things which I know the minister will want to comment on today so we will have more input. As long as Dr. McCracken will deal with the matter fairly succinctly, I don't think we have any objection but—

Mr. Starr: I am sure he will. It is not his intention to consume the time that I know the members are anxious to have, but it is an important—

Mr. Bain: Yes.

Mr. Laughren: Could it be pointed out that Dr. McCracken did have an opportunity to reply yesterday but he didn't?

Mr. Starr: Oh, yes, he had just started when Mr. Lewis felt he should interrupt and he didn't get a chance—

Mr. Bain: He could have replied when Mr. Lewis was finished.

Mr. Haggerty: Mr. Chairman, I don't think I object for the Liberal Party, on this particular thing.

Dr. McCracken: Mr. Chairman, as the members who were here yesterday afternoon will recollect, I had commenced to review the data we have from the world literature which is very scanty. Before I had an opportunity to complete that, Mr. Lewis went on and discussed the matter further and I never did have an opportunity to come back to it.

Certainly the world literature is scanty. There are three main documents in existence and they are all the case control type of study. It is an accepted fact that these are considered to be inferior types of studies to the prospective studies such as Dr. Selikoff has been doing in his group in the United States and Quebec.

On the basis of the data, I felt, on advice, that we are not in a position to establish—I want to phrase it very clearly if I can today—on a probability basis that there was a causal relationship between exposure to asbestos fibre dust and the development of cancer of the larynx. The literature to date indicates and suggests that they may be some causal type of mechanism, possibly in conjunction with other compounds or chemicals but they cannot identify these. They suggest further studies should be carried out.

I had opportunity—this was what I was going to bring forward—in the last week of November to discuss this very matter with Dr. Selikoff by telephone from Toronto to New York. I asked Dr. Selikoff about his studies in view of the fact that in the Globe and Mail there had been an article which stated that Dr. Selikoff was going to publish his data in, I believe, three months; several or three months in any event.

I specifically asked Dr. Selikoff about this because I am extremely interested in getting any and all new studies and medical information on the subject. Dr. Selikoff told me he had no idea how the reporter could have come away with that concept because he had no intention of publishing his information within the next month or several months or three months. He told me he had no idea when he would publish it.

He told me, however, that he was in the process of updating his data to bring it up to date as far as possible so he could identify any new cases of cancer of the larynx which had developed in this large group of people he is observing. He suggested to me that if I was interested in it—and I told him I most certainly was—if I were to write him a letter requesting that he would furnish me his updated tables when they were completed—he expected that would be within the next one or two months but he couldn't be certain of this—he said he would furnish these tables to me on the absolute understanding that they were confidential.

I was not to make them public documents but I could use them in our deliberations to determine if there was a probability existing as to a causal relationship. I thanked him for this and I have subsequently written him a letter requesting that he furnish me with his data as soon as possible.

I asked Dr. Selikoff if he was aware of any other studies currently going on in the world and he told me that he was not. I asked him specifically about Dr. Newhouse at the London School of Hygiene because she is a world-renowned epidemiologist and it had come to my attention that she might have a study. He referred to the study she had previously carried out which, of course, has been published; so far as he was concerned, he didn't know of any new studies.

I asked Dr. Selikoff if, on the basis of the world literature and realizing the types of studies and the limitations to them, he would fault me for not taking a recommendation to the board at this time that I was satisfied there was a probability causal relationship. He said he could not fault me because he considered the studies to be weak and that his study, when it was published, hopefully would prove the point.

I thanked him for that and again I told him I would like to have his data as soon as it was available. This brings us up to the present point.

The other thing which is distressing to me is that if any group or researchers in Ontario is going to mount a case control study, I have been told by the experts that the publicity this has received in the press in all probability will jeopardize the end results of such a study. I feel very badly about this because we have a rather good reservoir to draw from of cases of laryngeal carcinoma through the Princess Margaret Hospital and through the Ontario Cancer Foundation.

I feel badly that this has happened because, believe me, I want to get the final answer to this. I want to see some good studies done which will give us the final answer and I want to get the material from Dr. Selikoff.

I do not want the members of this meeting to go away with any idea whatsoever that I am obstructing this. As a doctor, I have a responsibility to determine whether or not some factor is giving rise to disease and, if it is, to search this out and to make the fact known. These are the points I really wish to make, Mr. Chairman.

Mr. Bain: Too bad we didn't have Dr. Selikoff here for a rebuttal.

Hon. B. Stephenson: Mr. Chairman, I think that is a somewhat spurious remark because the information which I have from Dr. Selikoff is that the subject was not discussed at the open meeting at which it was reported by a number of people that the subject was discussed. He did not mention in the entire transcript any iota of information regarding laryngeal cancer and asbestos. This is being, I think, examined in a very responsible way by a number of responsible researchers including Dr. Selikoff. I think we must have, as Dr. McCracken has said, the factual information which will come from those studies and from others which have been done and, hopefully, are being done quietly in order to make a responsible decision. That's precisely what this—

[10:15]

Mr. McClellan: What happens to the benefit of the doubt?

Hon. B. Stephenson: The benefit of the doubt will, of course, be a major factor when the factual information is available to us.

Mr. McClellan: It's a major qualification—

Hon. B. Stephenson: No, it's not a major qualification at all. If one is to make responsible decisions in any area, one uses all of the facts which are or can be available to one in order to establish the base from which the decisions are made.

Mrs. Campbell: But meanwhile, what happens to the worker who is waiting while all these responsible studies are going on?

Mr. McClellan: What happens to Aimé Bertrand?

Mrs. Campbell: This is the problem.

Hon. B. Stephenson: There are a number of human beings who have developed carcinoma of the larynx for a variety of reasons, some of them related to their occupations, not necessarily because they're being exposed to any toxic materials. But there are at least three anaesthesiologists that I know of who have developed carcinoma of the larynx. I don't know, and I don't suppose anyone else does right at the moment, whether, indeed, it's due to the exposure to anaesthetic gases, to the cigarettes they smoked, to the environment in which they lived. This is the kind of problematical situation we have at the moment. It would seem to us that if we can

get the factual information rapidly—and that's the thing we've been working for—we'll be able to solve the problem in a reasonably short period of time.

Mr. Laughren: If I might respond completely to Dr. McCracken, I wish the transcript from yesterday afternoon's proceedings were available to us this morning; I can't find one. But there was no doubt what Dr. McCracken said about causal effect and he's reiterated it again this morning, and it is beyond me how Dr. McCracken and Mr. Reed can work for the same compensation board, given their approach to benefit of the doubt. I quote from a speech that Mr. Reed made—referred briefly to by our leader yesterday afternoon—when he was talking to the Law Society of Upper Canada, and he said:

"Benefit of doubt for compensation purposes means that it is not necessary for the employee to adduce conclusive proof to support his claim for compensation. The board, when adjudicating a claim, does, as a matter of policy, draw from all the circumstances of the case, from the evidence adduced and to the medical opinions, all reasonable inferences and presumptions in favour of the injured employee. The injured employee does not require a preponderance of evidence in support of his claim, so long as reasonable inference is based on the balance of probabilities and not mere possibilities can be drawn in his favour. Every reasonable consideration is given to those disabled."

Despite Dr. McCracken's assurances this morning about the lack of conclusive evidence and his phone call to Dr. Selikoff, there nevertheless are studies, including Dr. Morgan's, that indicate that there is a very good possibility, if not a strong probability, that there is a relationship between asbestos and laryngeal cancer. It still leaves me somewhat shaken in that in one sense we are talking about giving the benefit of the doubt to the worker and then we have the medical director for the compensation board telling us that there is not conclusive evidence, that there is a causal relationship. I don't know how you fit that in with benefit of the doubt; I am at a loss to explain that. It is not a case of absolute proof, it's not supposed to be a case of absolute proof, and yet that's what Dr. McCracken's looking for, absolute proof. His comment about publicity destroying the research programmes leaves me confused because I don't know why that would be so. Perhaps Dr. McCracken could explain. Is he suggesting that there should not be publicity when there is such an obvious case of injustice? I'd appreciate his comments.

Mr. Haggerty: Mr. Chairman, may I bring to your attention that I think I'm next on the speaking list here, and I think we did allow Dr. McCracken to make his comments. If Mr. Laughren wants to speak again then I think he should wait for his turn.

Mr. Laughren: I thought we were following up on Dr. McCracken's remarks, that's all.

Mr. Chairman: Mr. Haggerty now has the floor.

Mr. Laughren: Are you ruling against Dr. McCracken having an opportunity to explain?

Mr. Chairman: I think Mr. Haggerty is right, that you can discuss this at any time.

Mr. Haggerty: I think you have ample time to come back and question Dr. McCracken, and maybe you'll have time to go and read Hansard and get the information that you want.

Hon. B. Stephenson: If I may, for one moment, please, Mr. Chairman.

Mr. Laughren: As long as you're ruling consistently, Mr. Chairman.

Hon. B. Stephenson: I am concerned that the hon. members are unaware or did not hear what I said. I said that the basis from which a decision must be made has to be the factual information which is available to us, which can establish causality or probability of causality. That is not present at this time; that's what we are trying to achieve. From that base, then the weight of benefit of the doubt most certainly functions on behalf of the individual who is applying for a pension, as it has in the area of gastrointestinal cancer related to asbestos, because that's precisely what has been in effect, since that decision was made on the basis of factual information. But we have to have that first. You can't just pick it out of the air and say, "I think this is the right thing to do in this situation," because you're establishing precedents which will be used not only by this board but by boards of compensation all across this country. It would be nice if we could follow the other boards, but that isn't what happens. Ontario sets the precedents and the other boards follow them.

Mr. Laughren: You certainly wouldn't want to err on the side of the workers.

Hon. B. Stephenson: We err on the side of the best possible medical information.

Mr. Laughren: Give me one example where you've erred on the side of the worker, just one.

Hon. B. Stephenson: There are at least two examples in the area of gastrointestinal cancer, at least two, which you know about.

Mr. Chairman: Mr. Haggerty now has the floor.

Mr. Haggerty: Thank you, Mr. Chairman. I want to deal with, in particular, section 118 of the Act and perhaps we can tie it in with the comments heard this morning. Section 118(1): "Where an employee suffers from an industrial disease and is thereby disabled and his death is caused by industrial disease and the disease is due to the nature of any employment in which he was engaged, whether under one or more employments, the employee or his dependants are entitled to compensation as if the disease was a personal injury by accident, and the disablement was a happening of the accident."

When you look at that section you'd almost say the benefit of the doubt was given; then you go back to section 1(l) of the Act and it's difficult to understand the true interpretation of it. It says: " 'Industrial disease' means any of the diseases mentioned in schedule 3, or any other disease peculiar to or characteristic of a particular industrial process, trade or occupation."

In one section you give it to him, and in the other section you remove it. Then it comes back, in part I of the Act, and spells it out very clearly, section 3(1), the disablement rising out of and in the course of employment. Well, you have to look at that, and the Leader of the Opposition (Mr. Lewis) is quite right in what he says on some of the things, and I support some of that as it relates to industrial disease.

I've had a number of occasions working with local 6200, that's at the International Nickel Company in Port Colborne, where Mr. Peter Kovacich was the compensation chairman. We had, for a number of years, dialogue with the Ministry of Health as it relates to the occupational health section. Dr. Ernest Mastromatteo and, I think Dr. Sutherland were there at the time; and we presented a number of cases of suspected cancer—I shouldn't say suspected cancer, cancer—persons who have died from cancer. I think there was a list of about 252, and it relates to larynx cancer, sinus cancer, intestinal cancer, lung cancer, and we've been trying to bring to the attention that there is a difficult area, particularly in the manufacturing process of nickel. Through these meetings we've been successful, I think, in winning one particular case as it relates to sinus cancer, but there have been other cases in the industry that were not allowed for larynx.

It's pretty hard to just say where do you draw the line with it, and I think perhaps I should mention it. I don't want to read it into the records, but back in 1968 or 1969, I think it was, we made an appeal to the Workmen's Compensation as it related to claim number S-7805085, and there were some leading questions put to the Minister of Health at that time on the order paper. That information obtained from the Minister of Health, I think, was one of the main factors in establishing a claim for this particular person. I think, if you go about it in the right way, that the Ministry of Health is helpful—perhaps not to the liking of all of us—but I think they do, to the best of their knowledge, give the information available.

When I sit back and look at those two particular clauses or sections of the Act I've quoted, you say, how far does compensation cover? I have a letter I've written to Mr. Kerr concerning a person who worked at the International Minerals and Chemical Corporation (Canada) Limited in Port Maitland. One can recall in that particular industry back in 1967, I guess it was, there was a programme, The Air of Death, and then there was a study implemented by the Ministry of Health, and that's pretty well documented, on the problems in that particular industry as they relate to chemicals and fluoride.

I'll read the letter, at least part of it anyway. "You have expressed the opinion that Mr. Rivard's chronic bronchitis should be compensable and have requested assistance in having him considered for entitlement under the Act. At this point we do not have sufficient information to establish a file for consideration. As you know, chronic bronchitis is not an industrial disease under the Act."

Hon. B. Stephenson: At this time.

Mr. Haggerty: You see? That's an example. Yet, if one had worked in that area it was nothing but a dust bowl. I don't know if the conditions have changed in the last two or three years but it was nothing but a dust bowl in the manufacturing process for fertilizer.

The Minister of the Environment has had work or stop orders on that particular plant

over the years to improve the working conditions and the outside environment conditions. When you put a stop order on a certain industry, there must be a problem of occupational health inside the plant and health hazards outside the plant.

I have another one here concerning a person trying to establish a claim for silicosis. I should read this one into the record. It's Workmen's Compensation claim 3115190, and this is from the Ministry of Health provincial chest clinic. I might say I've spent some time with the Ministry of Health looking over a number of x-rays at the office just off of Queen's Park where there is a Dr. Dagenais, is it? Is that right?

Hon. B. Stephenson: I can't remember how you spell it but I think that's almost the way you pronounce it.

Mr. Haggerty: Something like that. I was amazed that they sent me the x-ray plates. The minute I saw the envelope I knew what it was but I can't understand them. He was good enough to show me other cases of the problem as it relates to silicosis. The letter says, "Dear Sir:

"I'm in receipt of your letter dated August 6, 1976, including chest x-rays and clinical records of the above named. I advised the person one year ago to seek re-evaluation of his medical status through the Workmen's Compensation Board.

"He was last seen by Dr. Shaver of the Shaver Hospital, St. Catharines, on November 2, 1970, at which time Dr. Shaver was of the opinion that Mr. So-and-so did not have compensatory silicosis. However during the past years, Mr." —I shouldn't mention the name—"complained of progressive breathlessness and thought as there was no change in x-ray appearance there was a possibility that his clinical condition was worse, which may have improved his eligibility for compensation.

"I saw this person again in May 1976, when he informed me that his claim for a disability pension relating to silicosis had been rejected by the Workmen's Compensation, and I advised him that a further appeal at the present time would be futile.

"Upon receipt of your request I have reviewed his x-rays again, dating from March 1975 back to 1962 and there has been no appreciable change allowing for differences in techniques. I also perused his clinical files dating back to 1960 and there is nothing of significance to help his claim.

"According to these records, he had a previous history of underground mining of 23 years and had been rejected for further such employment since 1949 because of x-ray appearance.

[10:30]

"According to the records at the Shaver Hospital he again worked underground for one year at Elliot Lake in 1957, three years on the surface." And there is a question mark there. "His main complaint has always been shortness of breath. The problem is that whilst x-rays show evidence of silica dust inhalation, progressive changes can neither be demonstrated nor have any complications of silicosis developed such as heart disease or disabling emphysema."

That's an interesting comment there, isn't it?

"Further investigation such as needle biopsy or open lung biopsy are contra-indicated considering the unreliability of such findings in tissues and patient's age—even if a simple cervical lymph node biopsy would confirm tissue changes due to silica dust, it would not help his claim—silica dust inhalation alone does not automatically merit a disability pension."

You see, it's already a drawn conclusion, but yet, you know, the person is in fact disabled. He hasn't been able to be gainfully employed. He's had to go out and work the odd job around through the community and he's struggled almost 30 years with this. And yet, you know it's an occupational health disease. Yet if a person has got to go through this, what's going to have to happen here is that the person will die, an autopsy will be taken, and then it will be proven. But it's too late then.

Yet's he's got difficulties. There is no doubt about it, he has a chest disease. But the odds are against the worker. How do you prove it, in a sense, they are saying—and I think this is what the leader of the NDP was trying to convey to the committee here—it's rather difficult.

But yet under the sections of the Act, you tell it at one minute that the benefit of the doubt is given, the next minute you remove it. When you sit back and look at the conditions that some of these men are employed in—for example, here is one here that's rather interesting.

This is at the International Nickel Company in Port Colborne and relates to the quality of water in the plant. This was brought to the attention of the Ministry of Health and tests were taken by a public health laboratory test and the water was proven to be safe to drink—no bacteria

found. But let's find out what was in the water that the men were drinking, not only in the plant, but in the city of Port Colborne.

It says here: "The Ontario Department of Health, Occupational Health Laboratories, 360 Christie Street, Toronto. A sampling of the drinking water collected at the International Nickel Company, Port Colborne, by H. Todd." The report was June 15, 1971. "Element: mercury, 0.003; copper, 0.05; manganese, 0.01; nickel, 4.8; zinc, 0.01; cadmium, 0.01; lead, 0.001; selenium, 0.001."

Yet you can find studies made throughout the world, and this is taken from the Occupational Factors in Carcinogenics, Public Health Department, United States. It goes on to say, "The author reviews the history of the occurrence of cancer in various occupational groups resulting from exposure to specific carcinogens." Examples are the occurrence of cancer in workers exposed to hydrocarbons; bronchial cancer in workers employed in the chromium industry; other inorganic carcinogens are cited among arsenic, nickel and asbestos dust. The importance of the study in occupational exposure to possible carcinogens is emphasized.

You can go back and you can go into detail; studies have been made in the United States, all throughout the world, on matters concerning cancer. I think as Ralph Nader has stated—I'm just quoting from memory—about 90 per cent of cancer is caused by some form of air pollution. He's done enough research into it too, you know.

Hon. B. Stephenson: I wouldn't go so far as to say that.

Mr. Haggerty: Pardon? I'll tell you he has brought it to the attention of almost everybody on the North American continent, that it is a serious problem.

Hon. B. Stephenson: You said he has done enough research to be able to make that statement, and I'm not sure that that's—

Mr. Haggerty: Well, it's a matter of ten years and perhaps there's other members previous to my time in the House who have brought this to the attention of the government. But what have you done in research here in Ontario? What have you done? We depend upon somebody else to do the research. In relation to the nickel hazard—conditions in and around the nickel operations and the manufacture of nickel—you can look to England. They have done an enormous amount of research and you look and see what was done for the workers over there as relates to cancer.

Hon. B. Stephenson: In terms of compensation I'm not sure it's all that great. May I just respond to Mr. Haggerty's statements? To my knowledge, one of the points that you brought up was the problem of carcinoma of the sinus, particularly in workers in Inco plants, and to my knowledge no individual who has developed carcinoma of the sinus has been refused compensation. Not one.

Mr. Haggerty: Why larynx?

Hon. B. Stephenson: Because that one has not, as yet, been established. It is being reviewed right now. It was reviewed by Dr. Mastromatteo and Dr. Sutherland and the specific standards were established upon the recommendations which they made.

Mr. Haggerty: It's been reviewed back as far as I know; I mentioned Local 6200—we have been meeting with the Department of Health back as far as the early Seventies.

Hon. B. Stephenson: And to my knowledge it is presently under review again right now.

Mr. Haggerty: As I mentioned, I think there are 252 cases of cancer from this particular industry.

Hon. B. Stephenson: Cancer of what?

Mr. Haggerty: Intestinal cancer, cancer of the larynx, sinus.

Hon. B. Stephenson: I know this is a very difficult area and it's a difficult area to keep out of the totally-emotional field, but it is impossible in many instances—

Mr. Bain: Get emotional!

Hon. B. Stephenson: Well, I do about some of them, I have to tell you, about most of them. But I think you have to be prepared to understand that those people who are doing research—and there are a number of them in many of the fields that you are concerned about—are also acutely aware and publish and report constantly that the factors involved are multiple and that the difficulty is to establish the relationship on even a probability basis between certain environmental factors in the work place or elsewhere. It's all very well for Ralph Nader to make us aware and to make us concerned. That's right. That's his role. But to say that he has done enough research to state that 90 per cent of all cancer is due to air pollution is irresponsible, because he doesn't know that.

Mr. Haggerty: But I don't know. I'm not quite sure that 90 per cent is—it's in that area somewhere.

Hon. B. Stephenson: But there are researchers who are attempting to establish those probability bases for causal relationship in a number of problems which we have, including chronic bronchitis, which has been a problem which has plagued Great Britain for centuries, primarily because of the kind of weather they have.

Mr. Haggerty: I suppose other studies will indicate, too, the burning of soft coal, and that's right.

Hon. B. Stephenson: Coal is a part of it as well, yes; but there are a number of factors and are the factors directly related to the working conditions or the work places? That's the thing that's important, and that's the thing that we really have to be establishing responsibly. That's precisely what we are attempting to do. Precisely.

Mr. Haggerty: How long does it take you? I mean, just the other—

Hon. B. Stephenson: It depends on the capabilities of the researchers who are doing it—this is the point—and the numbers who are doing it. As I have said before, and I will say again, the medical profession has to take a great deal of the blame for this, because indeed not enough research has been done in many areas and it's not only in Canada that we have lacked this research; we have lacked it right around the world. There are lots of publications. They have been going on for a number of years and they are not epidemiologically sufficient to base decision on at this stage of the game. We do have to pay more attention to occupational health. That's precisely what we are trying to do. We do have to pay more attention to the development of adequate research in this area. That has not been done, not in any jurisdiction. There has not been adequate research in any jurisdiction about ocupational health problems. Not anywhere.

Mr. Haggerty: But we do know then that air pollution, the toxic chemicals—

Hon. B. Stephenson: Can be a problem.

Mr. Haggerty: —can be a problem and that's where the benefit of doubt should come into the picture.

Hon. B. Stephenson: And it can be a problem specifically to certain individuals who have a propensity to certain kinds of diseases which were built into them as a result of their structure, the structure they inherited, their genetic structure from their parents and their ancestors. There are just so many factors involved in this that must be considered, but they must be considered rationally and sensibly.

Mr. Haggerty: Two weeks ago I was pursuing the matter about the water quality in the Great Lakes system and I asked the Minister of the Environment (Mr. Kerr) if he could assure me that the water that we are drinking in the province of Ontario is actually safe to drink. He says you can rest assured it is safe. Only the International Joint Commission—just yesterday, I think—made an announcement stating there were 40 toxic chemical agents—forms of pollution—now in Lake Ontario and they are deeply concerned about it.

Hon. B. Stephenson: They certainly should be deeply concerned because if that continues, all of those chemical agents may reach an unsafe level.

Mr. Haggerty: That's right.

Hon. B. Stephenson: And what the minister was telling you was that at this point in time the water which is being used in Ontario is at the safe level, as far as we know. And, as I told you before, the limits of knowledge are rather narrow in this area and in many areas.

Mr. Haggerty: The same thing relates to this matter I raised about the quality of water in the industry back in the city of Port Colborne, you know. People thought the water was safe to drink.

Hon. B. Stephenson: Are you suggesting it's unsafe to drink in that—

Mr. Haggerty: I would say that.

Hon. B. Stephenson: You may say that, but I can tell you there are many researchers who wouldn't agree with you, and many experts who believe those levels are reasonable and do not necessarily cause any kind of human discomfort.

Mr. Grande: Many don't agree and many agree. Right? And that's where the stalemate occurs.

Hon. B. Stephenson: No, I'm not saying that at all. What I'm saying is that certain levels have been established as safe levels for human consumption regarding water.

Mr. Haggerty: I'm sure if you were to run tests in a laboratory with animals and give them 4.8 per cent of nickel day after day in their drinking water I bet you would find some difficulties that would be there.

Hon. B. Stephenson: I'm sure in some animals you would.

Mr. Haggerty: That's right.

Hon. B. Stephenson: Not necessarily the human animal, though.

Mr. Haggerty: I'm sure if it will affect animals it will affect human beings also.

Hon. B. Stephenson: I'm not going to make any bets on it because I don't know. I don't believe anybody else knows either at this point.

Mr. Haggerty: But the point that I raised to the minister and to the chairman of the Workmen's Compensation is that the risk is there, the hazard is there, and no doubt about it, it can be related to the occupational field. In that particular instance the benefit of the doubt should be given under section 3(1). I think under section 1(e), your schedule rating as it relates to the regulations must be changed. And if we have to sit here as members of the Ontario Legislature waiting for the chairman or the minister to give directions to change the regulations, then I think by all means we should have it done by the Legislature, then we will get some action done. Because it is long overdue.

Hon. B. Stephenson: It would seem to me that that section in fact is broad enough to give the board the power to make the kinds of changes which are factually supportable, but—

Mr. Haggerty: Well then, why don't they move? What do you have to do to get them to move?

Hon. B. Stephenson: But that is precisely what is happening, Mr. Haggerty.

Mr. Haggerty: It's happening. You keep telling me that.

Hon. B. Stephenson: The board has been moving.

Mr. Haggerty: The previous ministers told me that for years and nothing has been done since.

Hon. B. Stephenson: No, that's not true and you know that. Gastrointestinal cancer has been permitted for asbestos.

Mr. Bain: Mr. Chairman, she can't say a member of the House is misleading us.

Mrs. Campbell: No. She can't say that's not true.

Interjections.

Hon. B. Stephenson: It would be better for you to go back and look at the facts to see the changes that have been made in the allowances for compensation for industrial illness over the last several years, which were not in the list before at all. But very definite moves have been made in this province and I think that it is just not factual then to state that nothing has happened because it has.

Mr. Haggerty: All right, we will go back to the Ham commission report as it relates to lung cancer and quoting from the book:

"From the beginning of the development of the uranium mines, the mines engineering branch of the then Department of Mines, the Ontario Mining Association, and the Mines Accident Prevention Association were aware that they posed unusual potential hazards to health because of the highly siliceous ores at Elliot Lake and because of radiation at both Bancroft and Elliot Lake."

There's your answer right there. They had been told before that there was a problem there.

Mr. Wildman: But the workers weren't told.

Mr. Haggerty: That's right. But it goes on to say this that the workers were led to believe that it was a safe place to work. There was no occupational health hazard there whatsoever. Now that's research done and he has had a number of capable persons dealing with that particular report. So you sit back and say improvements have been done. Improvements will be done after this report. To me, it's still a damning report of the lack of government initiative in bringing about good clean occupational health working conditions in the Province of Ontario.

[10:45]

Mr. Grande: Mr. Chairman, I would like to begin by asking a series of questions and I hope that some answers will be forthcoming to them.

To begin with, I would like to ask if it is possible for us to be getting a list of all the doctors that work for, or are attached to, or used by the Workmen's Compensation Board.

Mr. Starr: Yes, we can give the doctors who are on our payroll and I suppose we can

also give the list of all the doctors in the province of Ontario. We could give you a complete list.

Mr. Grande: I have a list of hundreds of names here—

Mr. Starr: We can supply you almost 10,000 names.

Mr. Grande: —that are working for, or attached to, or used in a consultant fashion—

Hon. B. Stephenson: No. All the physicians in Ontario relate to the Workmen's Compensation Board except for those perhaps who do pediatrics or something of that sort because we don't have child labour in the province of Ontario. But all practising physicians relate in some way to the Workmen's Compensation Board because they see patients who come under The Workmen's Compensation Act.

Mr. Grande: There are no particular doctors that the Workmen's Compensation Board specifically refers injured workers to?

Hon. B. Stephenson: At the first instance or for consultation?

Mr. Grande: For consultation. There isn't a list that the Workmen's Compensation Board has, from which it says to an injured worker, "I would like you to go and see this doctor. I refer you to this doctor"?

Hon. B. Stephenson: No. The consultation depends upon the special capabilities of the physician only and there isn't any special list that is used.

Mr. Grande: I hope you will provide me with that kind of a list, and I—

Mr. Starr: Those that are on our payroll and those that we use?

Mr. Grande: Let me be more specific. You were mentioning yesterday about the fact that there are some senior doctors whose advice you take to be more central to the man's condition. You said there are senior doctors whose reports carry more weight than other doctors.

Hon. B. Stephenson: Yes, the recognized expert specialists in a field; for example, an orthopedic surgeon who happens to be a recognized expert; a chest specialist who is a recognized expert in the field—on the basis of the peer review, his colleagues in the medical profession would consider him to be the senior consultant in that area.

Mr. Grande: Do you have a list of those names?

Mr. Starr: We can provide them.

Hon. B. Stephenson: I am not sure there is any list specifically.

Mr. Starr: No, but we will make up a list.

Mr. Grande: Secondly—and please try to be specific, because here is a particular area where I, as a representative supposedly of some of the injured workers that come before the board for appeals, seem to be completely at a loss—what are the criteria which are used, either by the pension department or the Workmen's Compensation, to decide what percentage disability a worker has? I would like some kind of specific criteria. Now, if you are going to say to me that it depends on the condition of that particular worker, somebody has to be making the evaluation on some particular criteria and that's exactly what I am asking for. Is it possible to get that?

Dr. McCracken: The criteria to decide the percentage of impairment following injury when a person's condition has become static is based upon the medical information in that person's file and the majority of that medical information in the majority of files comes from his family physician and this is taken into consideration. It comes from the consultant that the family physician has made his choice to refer his patient to and this is the way it should be and this is the way that it is. In the vast majority of cases we encourage the family physician to make his choice as to what consultant he wants his patient to go to. His report is on file and it is taken into consideration.

As was discussed yesterday, I believe Mr. Harding pointed out that the physicians at head office, when they are discussing the case with the attending physician, if he doesn't know exactly who he would like to have see his patient, they suggest to him: "If you would like us to set it up and if you would like us to suggest a good consultant along this line, we are prepared to do so." But only with the agreement of the family physician.

There are other situations which were discussed yesterday where the case becomes more complex, where more consultation input is required. This is where you get into the second-opinion and the third-opinion situation, where we might feel, in order to try to clarify the medical information, that a senior opinion is required. Or if it is in the appeal system, it might come to the point where a medical referee's very senior opinion is required.

As was discussed yesterday by Mr. Harding, in a situation like that, we select people who

are not working for the Compensation Board. They are people who stand out among the medical profession as being the very senior knowledgeable people in their speciality. In other words, they are the best. We take a list of three, four, five names and say: "Here are the people we think are the best and would you select one of these people so that we can get his opinion?" So that this is the way that the criteria develop.

Having done all that, when it comes back to permanent disability, all of these reports are taken into consideration by the physician in the permanent disability—because the physicians have nothing to do with pensions, I should point out—the physician in the permanent disability area takes all these medical reports into consideration. He takes all the data into consideration, operative reports from the hospitals and so forth. Having done this and in 80 per cent—and I want to make this clear—in 80 per cent of the cases, the people are examined by the physicians; not 100 per cent, but 80 per cent.

In other words, what I am saying—putting it the other way around—one in five cases have the decision made without any skewing of the information by the pensions physician examining a person. In other words, the data supplied by his attending physician and by the consultant are used to determine the degree of permanent disability. This is excellent and the more we can get of this the better we like it.

We want to accept the data of the physicians, but at the same time we have a responsibility to make sure the data is applied in a uniform fashion. We want to make certain that for a given degree of disability, Mr. Jones gets the same evaluation as Mr. Smith. This is one of the great functions of the permanent disability physicians.

Coming back to the permanent disability physician, in 80 per cent of the cases he examines the person in conjunction with the medical evidence on file and comes to the decision as to what the person's percentage of impairment is. So it is a multiple-origin input. The pension physician is not the person who makes the decision as to what the degree of disability is; he only makes it based upon the evidence of all the medical data on file. I hope that answers your question.

Mr. Grande: But one carries more weight over others.

Dr. McCracken: Only by seniority. In other words, the professor of surgery, his opinion—I'll be quite frank—in a surgical case, the opinion of a professor of surgery at the University of Toronto is obviously in our eyes going to carry more weight than a general practitioner.

Mr. Grande: I'll come back to that in the course of my comments. If I can go ahead with the questions right now: The last two days I have been sitting here very calmly. At times I wanted to burst, but due to the fact that I assumed the Workmen's Compensation Board and the people working within the Compensation Board are there for a purpose, are there to do a job, are there to protect the workers, I accept that responsibility of yours and I accept my responsibility as an MPP that when I see injustices are done, I'm going to be fighting hard to make sure justice is done where it is due.

One of the terms which really—I don't know how to say this—but one of the terms that seems to be cropping up over and over again is this term "co-operation"; as long as the injured worker co-operates with the Workmen's Compensation Board in the rehabilitation process, then he'll continue whatever payments were made to him. Now, again, please be specific, what is "co-operation"? Do you mean that no matter what is told to him by the rehabilitation officer or by a nurse or by a physician, the injured worker must try to locate a suitable job, whether he would be suffering, and knows inside himself that he would be suffering excruciating pain to do that process?

Mr. Starr: The co-operative effort, as it is set out under section 41, has to do with the payment of full compensation based on the co-operation with the rehabilitation officer. The purpose of that is that he must prove that he is actually going out and trying to locate a job suitable to his ability to perform, at the same time that he is also going to where the rehabilitation officer may, through his efforts, also try to locate a job for him and that he would present himself. As long as he's doing that, that is the full meaning of the vocational rehabilitation. It's not very difficult.

Mr. Grande: Let me go back to the Downsview scene. If a worker has a back problem or a leg problem, no matter what the problem may be, and the people there responsible will give him a certain particular set of tasks that he should be performing, and the worker says, "I can't do that it is going to be painful to me, I know it, I feel it," is the worker forced to do those particular tasks? If he is forced to do those particular tasks, doesn't the worker have a say in terms of

the kinds of things that are painful to him, and if he doesn't do it, is that not co-operating with the programme?

Mr. Starr: Dr. McCracken is responsible for the physiotherapy at the hospital. That's not vocational rehabilitation at all, that's physical rehabilitation of the individual's body. I wonder if the doctor would like to comment on it.

Dr. McCracken: Any type of treatment that is carried out by the treating physician, that is, outside his own physician, or that is carried out at the hospital and rehabilitation centre, is on the basis of treatment carried out anywhere else. Namely, that the person who is under treatment is the final judge as to whether or not he will accept the treatment. This is a well-established fact. In the practice of surgery, periodically down through the years I ran into this fact, where I would recommend to a patient that he or she required surgery and that patient would say, "Doctor, I don't want to be operated on." No matter how I felt, that person has the right to make that final decision and this is exactly the way it is in the treatment programmes.

Mr. Grande: What happens to the benefits if the person refuses to do that?

Dr. McCracken: Nothing.

Mr. Grande: The benefits will continue?

Mr. Lupusella: Now you are saying a paradox of words.

Mr. Grande: The benefits will continue in other words, if the person says: "Look, this physiotherapy, these tasks that you are asking me to do at this particular stage of my physical rehabilitation, I feel they are very difficult, they are going to be causing me pain." You are saying that if the injured worker refuses that, nothing happens to his benefits.

Dr. McCracken: I can't think of any case at the hospital and rehabilitation centre that I'm aware of, where because of a person stating to his physiotherapist or occupational therapist he can't do a certain type of activity, his compensation payments have been terminated at the hospital, no.

Mrs. Campbell: He is shipped out, then he is terminated.

[11:00]

Mr. Grande: Not terminated perhaps. They are told "Well, you are not co-operating with rehabilitation, you are not co-operating with it."

Dr. McCracken: That's not vocational rehabilitation, this is part of a rehabilitation programme.

Mr. Grande: You have specific terms in the trade which perhaps are foreign to me at this particular time. I'm talking about rehabilitation in terms of vocational and of physical rehabilitation. In other words, I'm seeing the injured worker as a person who suffered an injury or work-related disease in the field on his job. Then the job of the Workmen's Compensation Board is to get that person physically, emotionally and otherwise ready to take ample employment.

Dr. McCracken: Correct.

Mr. Grande: Therefore, when I talk about rehabilitation I mean both terms, both vocational and the physical rehabilitation.

Dr. McCracken: What I'm saying is that I'm not aware of compensation payments having been stopped at the hospital because of a person saying he can't do a certain type of physiotherapy or occupational therapy.

Mr. Wildman: Will he be sent home?

Dr. McCracken. He will be sent home if he requests it, but what happens is that they change the programme. He is seen by the treatment team, headed by a physician who is in charge. The details are discussed that he can't do this or he says he can't do it because he's fearful that it's going to hurt, and the treatment team will change the programme. This is what happens; this is the rule. He's not discharged from the hospital unless he, as the individual, says, "I can't do it and I want to go home."

Mr. Kerr: May I just add that the patient is entitled to full compensation when he's at the hospital and rehabilitation centre. If he is having some problems concerning treatment, for those of us who are charged with the responsibility of paying him his full compensation, this has no effect on his compensation. He's at the centre and the treatment team is trying to resolve a treatment problem or an approach to help him improve his condition. As far as we're concerned in the claims area, he's under treatment at our hospital and rehabilitation centre and full compensation continues while he is there.

An hon. member: And once he's out.

Mr. Wildman: That terminates when he goes home?

Mr. Kerr: No, not necessarily, it depends on the conditions.

Mrs. Campbell: There are an awful lot of exceptions to this rule.

Mr. Kerr: One area where co-operation is essential, and it's right in the Act in section 41(b), is in the area of vocational rehabilitation. That's where we pay the supplementary full compensation while the man is partially disabled, as the Act says, while he's co-operating in a rehabilitation programme. As the chairman of the board said, what we look for there in claims is a report from the man's rehabilitation counsellor, that he's engaged in some kind of return-to-work programme. It does not have to be a retraining formal programme and it doesn't even have to be training on the job. It might be that the man himself with the help and co-operation of the rehabilitation counsellor is looking for work. That is one area where that kind of co-operation is essential for him to receive full compensation while partially disabled. I hope I've tried to clarify the two different situations.

Mr. Grande: I'm asking these questions obviously with a purpose and I will be back to them. Another question is, could you possibly supply this committee with a list of employers in the construction field who are close to the maximum or at the maximum number of accidents allowed before the rate for $100 of wages doubles?

Mr. Greaves: We have a programme in our computerized system that will select annually the firms that meet the criteria for a double assessment, a section 86(7) assessment. This means that the firm must have lifetime deficit cost experience with the board, that is to say, that for the years that the firm has been reporting to us their accident costs in total has exceeded the amount of assessment that they have paid. That's a lifetime deficit.

Then to bring that up to date, the firm must have deficit cost experience in two of the past three years; that's the second factor. The third factor is that the firm must have a frequency rate of compensable accidents at least 25 per cent higher than the industry average in two of the past three years. When those three conditions exist the programme brings that firm on to a list and we get a look at that each year.

Hon. B. Stephenson: Mr. Chairman, if I may, the mechanics of developing this information have been explained. The bill which was passed in the House this week will, for the first time, I think, permit an employee to demand that information from the board through the employer. Bill 139 permits that. I don't know whether it can be supplied to this committee. It seems to me that it must be supplied at the request of an employee or a trade union through an employer to the employee or a group of employees or to that trade union, and from that source the information I think can be given to specific companies. I don't know at this point, without really examining all the legislation, whether the board could supply the information to this committee. I don't know. It could be acquired through the mechanism which I've laid out.

Mr. Laughren: Surely the committee is an extension of the Legislature?

Hon. B. Stephenson: I don't know. I said I would have to explore it to find out whether that could be done.

Mr. Grande: Let me give you perhaps one reason which I consider at this particular time, because I have no information in this area; I'm just exploring it. One reason is that I hear from a lot of injured workmen and non-injured workmen in plants who are saying that the employers do their best to prevent an injured workman, whatever the injury might be, whether slight or more serious, from filing papers with the Workmen's Compensation Board.

I'm just wondering if that relationship exists, between being close to maximum before the rate doubles in the three factors that the gentleman talked about, and the fact that the papers are not filled out so that this workman can be on workmen's compensation. As I said, I'm in an exploratory stage at this particular time and I don't want to make any accusations whatsoever. I would like the facts, the information, upon which I could come to a conclusion. It's not just one person complaining. The complaints are many.

Mr. Starr: Let us take a closer look at it, and if we can do it, Mr. Grande, we will.

Mr. Grande: Thank you.

Hon. B. Stephenson: If I might say, you can always recall as well that the employer is not the only source of pressure insofar as the application for workmen's compensation is concerned. When that individual attends a physician, the physician is obligated, if the injury occurred at work, to complete the medical form and that submission to the Workmen's Compensation Board could initiate the kind of activity which would be necessary to persuade employers to comply.

Mr. Grande: That's provided the employee is not put in a position that he will not even seek a physician. Let's be realistic about it. If an employer says: "Don't go to Workmen's Compensation. If you do that, you're out tomorrow." I mean it's happened. There are two cases where this has happened and the worker just kept quiet. He happened to be speaking to me months later, and it doesn't seem that I can do anything about it, because he hasn't gone to a doctor and the employer has not filed papers, and even though he should be aware of the right that he himself could go to the Workmen's Compensation Board and could begin the process, the employee has not done that.

There are some threats out there by employers on employees, and I would assume especially in non-unionized shops. As I said, I don't want to make any charges, I would just like to have the information so then I can begin to link where these people worked with the possibility of this particular plant or this particular construction site being at the maximum or close to the maximum before it doubles.

I would like to go on for a few minutes and, first of all, I would like to start off with some political observations. I am glad that my leader yesterday placed on the record what the chairman of the Workmen's Compensation Board did say in his beginning address. Perhaps there's no need to do it again; I think all the members of the committee are aware of it.

One of the things the chairman said was, "I am not suggesting that there's an increase in fraudulent abuse or malingering." As soon as you put those words in any record, that's exactly the intention which is going to be transmitted to the public. My leader was saying it is refreshing that finally you are showing political colours and—

Mr. Starr: I even wore a blue tie today. My disguise is better.

Mr. Grande: Great. We know your political colours but that's fine. I don't think the government is going to appoint as chairman of the Workmen's Compensation Board someone who is a card-carrying member of the New Democratic Party. I don't expect that.

Mr. Starr: That's been done before.

Mr. Bain: Not by this government.

Mr. Grande: The thing that concerns me is that the intention or at least the inference projected through those words is you have done nothing else but put injured people in this province on exactly the same level—I am not making any comparisons—as the people who take advantage of the public purse.

Mr. Starr: It may be your opinion but it's not the injured workers' opinion.

Mr. Grande: All right. It is my opinion. When I saw that in the Globe and Mail yesterday, I was really upset at that kind of thing taking place. It reminds me of nothing else but another Taylorism—

Mr. Bain: James Taylor, the Minister of Community and Social Services.

Mr. Grande: —which said to the people that no one was going to suffer as a result of his cut-backs when around him at meeting after meeting, he had thousands of people who were suffering. That's a disturbing fact because what you are attempting to do, and I understand the politics of it, is to polarize people and place the injured workman, who has a right under the law to be receiving compensation while he's injured, as taking advantage of a public purse.

Mr. Starr: The majority of injured workers look to me as a friend.

Mr. Bain: Why did you make those statements then?

Mr. Starr: I am not worried about your statement at all.

Mr. Grande: Fine. Let me go on from that kind of political observation — I have to say it because it affected me that way. There was another political observation and I suppose this is more in the realm of the whole economy and seeing the Workmen's Compensation Board not in a vacuum but in the realm of the whole economic structure. It seems to me that the Treasurer (Mr. McKeough), the Duke of Kent as he is known—

Mr. Starr: Is he on the board?

Mr. Grande: I am trying seriously—

Mr. Wildman: The board of directors of Ontario.

Mr. Grande: —Mr. Chairman, with your indulgence—

Interjections.

Mr. Grande: —to express an idea in terms of the Workmen's Compensation Board vis-à-vis the economic system. The Treasurer seems to be the one who speaks for the economic system, supposedly, in this province. In a submission he made, entitled Summer, 1976,

Ontario's Comments on Several Current Economic and Fiscal Situations, he says that what is needed in the province and indeed in the whole of Canada is an increase in productivity in economic terms. In other words, he is saying that productivity is decreasing. As a matter of fact he says that productivity dropped by almost 2.5 per cent last year.

[11:15]

Putting that kind of thing in context and hearing employers and corporation economists talking, they're saying the only way that we can improve the productivity is to throw people out of work. If you have 100 people, for example, producing 100 tons of steel in a week and if you throw 30 people out of work and you have 70 people producing 100 tons of steel per week, then you've increased your productivity.

Another means to increase productivity, I suppose, is to increase automation. By increasing automation, what you do is put people out of work. Therefore, the unemployment situation has to be seen as nothing else but those particular forces, the force that automation has on the economy and the fact that employers seem to be saying through the Treasurer of the province of Ontario that productivity has to be increased and the only way to increase it is by throwing people out of work. I suspect the unemployment situation in this province and in Canada as a whole is going to be on the rise year after year after year.

If you are shaking your head at that, for one minute let's take a look at the trends. Since you're concerned about cause and effect, the trends that have been made in economic studies seem to suggest that by the year 2000, if automation is allowed to develop to the fullest, we could be faced with five per cent of the work force producing all the goods and services society needs, five per cent of the work force. What is going to happen to the 95 per cent of the work force right now and to the other people that are going to go into the work force?

The reasoning for this particular digression —and it's really not a digression because it is putting the Workmen's Compensation Board in context—is that there is no motivation whatsoever from the economic establishment vocationally to rehabilitate workers back to their jobs. There's no motivation whatsoever, because if the employers keep insisting that the only way to increase productivity is through diminishing employment, through getting people out of jobs, then what is the point of spending thousands and perhaps millions of dollars in trying to cure and rehabilitate injured workers so that they can find a place once again in the economy and the work place?

It seems to me that right from the start, the economic situation being as it is, it is not profitable to the employer to have the employees rehabilitated back into the work force. I was trying to put across some of the forces which tend to work towards that prediction I've just finished making.

Hon. B. Stephenson: There are many that work in the opposite direction as well.

Mr. Grande: All right. Perhaps there are many that work in the opposite direction. I'm suggesting that from what the Treasurer has been saying and by placing some of the comments that employers are making, I can come up to a certain kind of a conclusion. Let me state an observation from Irving Crystal, who is the resident scholar at the American Enterprise Institute and co-editor of a quarterly, The Public Interest, in the editorial page of the Wall Street Journal on August 12, 1976.

He says "The social order we call capitalism, constructed on the basis of a market economy, does not"—and it's underlined—"believe that society ought to prescribe a fair distribution of income. The kind of liberal society historically associated with capitalism was from its very beginning hostile to any political or social definition of distributive justice." That is the resident scholar of supposedly the free enterprise system talking, and talking about distributive justice and the system itself, he says they are "hostile to any political or social definition of distributive justice."

My point, Mr. Chairman, is that the Workmen's Compensation Board portrays exactly that kind of attitude and that kind of feeling. The Workmen's Compensation Board, as started back in 1914, was instituted for the mere purpose of making sure that the worker, once he is injured, does indeed get justice, and that the worker does not have to go through the expense of having lawyers in order to go to court to protect him, and in the midst of getting compensation maybe he would be so far back in terms of spending $3,000, $4,000 or $5,000 in lawyer's fees.

Let me say to you that the Workmen's Compensation Board got started not for that principle, but got started because the cost to employers was away too much doing it through the courts. The employer had to spend the time too, and had to get the lawyer and had to go to court to do this kind of thing. Once the employer got rid of

that responsibility, that he was responsible for an injury on the job, and placed it on the Workmen's Compensation Board, then the situation arises where the employer in that particular case is relieved of the headache and he can go on about the business of making as much profit as possible without any interference on his time. Those are two forces, perhaps, that started the Workmen's Compensation Board concept, but I suggest to you that the force from the employer was much greater than the force from the employee and from the injured workman.

Another political observation that I would like to make is that in the past three or four years, it appears to me that the Workmen's Compensation Board has completely—and let me tell you, I use that word solely from the people who come to my office at Queen's Park or my office in the riding—completely failed those people. They've come to the point where psychologically they're broken, and that's the only word that describes it. As a matter of fact, I'm going to be using certain cases where you see that the worker, psychologically if not physically, or both, is completely debilitated, and where, if not because of his physical injury, he cannot go back to a job because he's psychologically impaired. That is the result of the Workmen's Compensation Board, for a man who has been going for three and four years, being sent by Workmen's Compensation Board from doctor to doctor, he's been going from specialist to specialist because he says, "I want to get well. I don't want to be suffering. I want to get well on my own, and whatever the board thinks I should be doing, I know what I should be doing to get well." What happens? He's punished for trying to get well on his own.

I'm going to read into the record a letter that this man wrote to me. It's going to be a lengthy letter, three pages in length, in which he outlines his particular case from the time that he got injured all the way down to the point that three years later he was given a $60 pension. A $60 pension and that's it. Of course, you will be hearing from this man because I'm taking up this case and I'm appealing his case, because the doctor's reports are as thick as that and indicate that definitely this man is physically disabled, and a $60 pension does not reflect in any way possible—forget about the pain; forget about the excruciating pain that this man has gone through—does not reflect the particular living condition or standard of living today. No man can live on $60 a month. It's impossible.

Let me go on with some of the cases, because these, as far as I'm concerned, I consider them to be victories, really victories, hard-fought victories, and I don't think that any MPP, or anyone for that matter, has to consider as victories anything that should be coming by natural justice. I'm going to try my best not to mention names; neither names of doctors nor names of the man, nor give you any claim numbers. If the cases of these particular people were taken up in a very serious way, these cases could have been solved not last month or two months ago, but they could have been solved three years ago.

Let me start with a letter which says:

"On July 4, 1972, I suffered an injury to my lower back and right upper leg at the"—let's forget where he suffered the injury—"where I had worked ever since September, 1963, as a labourer at . . . I was sent by the company doctor to see a specialist doctor about my back condition."

I'm sorry, this is going to be cryptic. Perhaps I should be reading it into the record as it is.

Mr. Lupusella: You should read the names of the doctors. We are not talking about the disability in the medical reports, so we can mention it.

Mr. Grande: All right, I will read it in total, and whatever results from that I will accept as my responsibility. I'll begin from the start:

"On July 4, 1972, I suffered an injury to my lower back and right upper leg at the John Street coach yards in Toronto, where I had worked ever since September, 1963, as a labourer at the CPR yards.

"I was sent by the company's Dr. Varty to see a specialist, Dr. A. M. Wiley, about my back condition. I had a body cast put on me about the beginning of October, which I wore for four weeks before having it removed. He then suggested physiotherapy at the Toronto Western Hospital, which I took until the middle of December, 1972.

"As I was still complaining about my condition, I received a letter from Dr. Wiley's office on January 29, 1973, to the effect that I was booked for a myelogram on Friday, February 2, 1973, that was performed the same day.

"I was released from the hospital the next day, went home and stayed in bed with severe headaches for about four days. I had occasion to see Dr. Wiley again for treatment at the hospital where, again, I had physiotherapy; again no relief from severe pain in back and leg.

"April 1, 1973, I entered Western Hospital again, and this time for a discogram that was performed on me April 6. April 14, 1973, I was sent to the Workmen's Compensation Rehabilitation Centre, where I stayed for a period of six weeks until May 29, 1973.

"All that time I complained about my condition not getting any better, as I was doing a light work programme and also having some therapy. I was told to avoid taking so many pills.

"I entered Branson Hospital on June 4 to have an operation for severe gall bladder that I had removed. Yet, in all the time I was at the Workmen's Compensation Rehabilitation Hospital I complained about my back and leg pain, and they never suggested sending me down to see a specialist, other than that I was first examined when I entered there a few weeks before I was discharged.

"I was discharged from the Branson Hospital June 22 or June 23, 1973. I returned to see Dr. Wiley again for pain in back and leg; had more treatments, nerve blocking or acupuncture, but did not respond.

"April 19, 1974, I received a letter to appear at the pensions board at the Workmen's Compensation Board."

I want you to listen very carefully to this. At least for this man it shows the kind of process that is going on:

"I was physically examined and told to see a man in the pension department who said that I was being given a pension. I thanked him and was about to leave, when he asked me if I was in good physical health. I told him, no, that I was still having treatment at St. Joseph's Hospital. With that, he said he would confer with the doctor I had just seen. He came back and told me that any pension was being cancelled for five months. When I was better, they would see me again about a pension.

"October 9, I again was seen at the Workmen's Compensation pension board. Two doctors examined me. Again, I was sent in to see the person in charge of pension, who said at this time I was to receive a pension on a two-year basis with review. I got up to leave and he asked me if I would try the work assessment at the JVS on Tycos Street. I said if I could do anything at this time I would go back to work. He said 'You mean you don't want to give it a try?' I said I would think about it. He said if I did not agree I would be cut off benefits.

"October 28, 1974. I started work assessment at the vocational training but could not continue the four hours a day, even though the work was quite light and I was in constant pain and had to be sent home on three occasions. I had gone to see Dr. Wiley who then suggested that I would have to go into the hospital January 23, 1975, for a discogram inspection called kymo papin.

[11:30]

"I entered the hospital on the morning of January 23. As they were taking me to the operating room, I asked the doctor if they were going to put me under. They said they could not tell until after they had inspected me. I got frightened and refused to have it done, whereby Dr. Wiley said I would have to go to another doctor for my condition if I refused.

"I saw Dr. Peter James at the orthopaedic hospital and he suggested deep traction for my condition. I took it for about one week and a half, when I complained to the therapist that I was having pain and I also had ultrasound again and I complained of severe pain in my groin. Dr. James suggested I have treatment at the Workmen's Compensation Board hospital and he wrote them about it. The board decided against it. I was at the time having trouble to receive money from Workmen's Compensation, it also happened to me the time I came out of the hospital at Branson.

"I phoned the Workmen's Compensation Board about it and told them about my condition. I was told to come down to see the doctor a few days later who told me he would write the board that my condition was a back and physical condition. I was getting to be a nervous wreck. On August 11, 1975, I was called into the pension department and again had a physical examination and saw the pension department for the third time. This time I was told about rehabilitation or do I have a job ready. I said no. I was told to make arrangements for getting money.

"I had occasion to see Mr. Mike Starr, the chairman, and explain my situation. He said I had nothing to worry about while waiting for my pension. I had Mr. Lukian Robinson with me at the time. When Mr. Robinson left, a rehabilitation man came up to see me and asked me if I had any job. I said, 'No, I haven't done any work except going back to hospital to doctor to hospital.' He said he would see somebody about coming up with a solution.

"Mr. Brenninger came back to tell me they were putting a stop on my pension and

that they should come up with something and let me know. This was the third time I went for my pension. What the board came up with is that I again was sent to the Workmen's Compensation rehabilitation centre at Downsview. I was again going through the same routine as it was not on the hospital floor I was on. I was doing work assessment again and they gave me five days of heat treatments. I was in pain continually. The doctor told me that my file was getting big and I was discharged September 30, 1975. Dr. Ritchie phoned my family doctor, Dr. Rupert, whom I'd been seeing. Forgive my handwriting, I'm in deep despair. I'm now physically and mentally distraught and exhausted with pain, tears and terror as I rely on my 30 milligrams of codein and valium for the past three and a half years."

Perhaps that doesn't impress you, but it certainly does something to my insides when I see that a man got injured on July 4, 1972 and in November, 1975 received a $60 pension. I don't know whether you'd like to react to that.

Hon. B. Stephenson: I'd just like to say that I would gather from the letter and my understanding would be that this man was on full compensation until the pension was decided upon.

Mr. Grande: He was on full compensation? I don't know whether I remember the details or not. I definitely have a file. This man has become so dependent as a result of what's going on with the Workmen's Compensation that as soon as he receives a letter from the Workmen's Compensation Board or a telephone call he gets frightened. He's always reverted to an infant stage. He's really broken, psychologically broken. He cries most of the time. He says: "I don't know what to do. I don't know what I'm going to be doing, I'm lost."

In terms of that information, I really don't know. But whenever he calls me, he says: "The Workmen's Compensation Board did not send me the money on time." I say to him: "Take it easy, give them a couple of days. There might be some kind of a mix-up. He says: "Okay, I will give them a couple of days." I think there was one particular time when he was reduced to 50 per cent. I had better not say anything more, because I don't recall the details. Is it your reaction?

Hon. B. Stephenson: No, no, I just—

Mr. McClellan: You abdicate your authority and you just shrug it off.

Hon. B. Stephenson: No one is shrugging it off. I asked the question, Mr. McClellan—

Mr. McClellan: That's precisely what you're doing.

Hon. B. Stephenson: Mr. McClellan, I'm very grateful that you have such insight into my reactions.

Mr. McClellan: You're a very expressive communicator, Madam Minister.

Mr. Grande: All right. If that's the reaction we get for an injured workman who has gone through pure hell for the past three years, all right. Okay, let me leave it at that.

Mr. Starr: I'd like to ask you—I know at the beginning you said you would give us a claim number—

Mr. Grande: I said I will not give you any claim numbers. That's categorically what I said.

Mr. Starr: That's why we have no reaction.

Mr. Grande: All right. All right.

Mr. Starr: If we are able to pin it down to a particular claim, that's fine, but we can't investigate something that's not identified.

Mr. Grande: All right.

Mr. Lupusella: Mr. Chairman, if I might just make a short comment. It seems here that all the time when we present a problem the action of the officials of the Workmen's Compensation Board is getting to the point where they are interested just about the claim number. As I stated in my official speech two days ago, we are not concerned about the individual case. It seems—and I want to address these few words to the Minister of Labour—that the whole operation of the Workmen's Compensation Board is completely nonfunctional. In my budget debate in the Legislature I requested that a royal commission inquiry should take place to study the whole operation of the Workmen's Compensation Board from the inside. The officials of the Workmen's Compensation Board who are running the show down there are responsible for the applications of the Workmen's Compensation Board Act and they are responsible for those people who are suffering the consequences of their policy.

I think it's those allegations which we have been making in these two days, and today is the last day, around doctors, specialists and all of the stuff which we brought to your attention, I think we need a royal commission

inquiry. I would like to get some response from the ministry.

Hon. B. Stephenson: I'm interested in your comment and your suggestion. The reason that I asked specifically, and I'm sure that Mr. Starr asked as well, for the claim number is that the vast majority of individual workers who deal with the Workmen's Compensation Board are entirely satisfied with the function of the board.

Mr. Lupusella. They are not. That's the problem.

Hon. B. Stephenson: If there are problems we would like to know the nature of the problems to know in which area the problem may lie so that, indeed, we may be able to investigate those in order to try to find the solutions for them.

Mr. Lupusella: Don't you think, Madam Minister, that a royal commission inquiry is the most appropriate one? You know that they are going to get into the files, they can find out the operation of the report and find out the policy which is applied. I'm making a second recommendation. I think the Workmen's Compensation Board should appear three times a year before a committee of the Legislature.

Hon. B. Stephenson: Nothing would please me more.

Mr. Lupusella: That's how we're going to find out what they are doing. I feel sorry for the employees of the Workmen's Compensation Board down there because they are not responsible for the policy which those people are making. I am sorry about my remarks, but I feel really frustrated and I think something should be done.

Mr. Chairman: Mr. Grande, have you concluded?

Mr. Grande: No, I haven't. I need a little bit more time, Mr. Chairman, with your indulgence, thank you.

I would like to bring this case up again, which, as I said before, is a victory which I don't want to take the credit for, but I certainly make mention of this because I want to point out what any person, any representative of an injured worker, including the MPP, has to go through in order to perhaps get to the beginning of what seems to be some kind of justice; the beginning of some kind of justice.

Let me tell you, I'm going to be brief on this one, because I definitely don't want to be reading a lot of things into the record. There are other people, obviously, who are going to want to talk.

This gentleman had an accident on June 3, 1975; he had a neck injury. The Workmen's Compensation Board paid him; then they terminated him, and he went to the rehabilitation centre in Downsview. At the end of the six weeks that he was there, he was declared fit to return to work. Consequently—

Hon. B. Stephenson: Could I just get that straight? The Workmen's Compensation Board terminated him and then sent him to the hospital in Downsview?

Mr. Grande: No, no. Sorry. He went to the rehabilitation centre at Downsview. When he came out of Downsview after six weeks, he was declared fit to return to work. Is that clear?

Hon. B. Stephenson: Yes. But I wanted clarification. You said the Workmen's Compensation Board terminated him.

Mr. Grande: I'm sorry. I apologize. I put the word "terminated" in the wrong place. He was terminated after the six weeks at the rehabilitation centre at Downsview.

Hon. B. Stephenson: Do you mean his compensation was terminated after the six weeks in the rehabilitation centre?

Mr. Grande: That's right. You are clear on that?

Hon. B. Stephenson. Well, yes.

Mr. Grande: Okay. Good. As long as you are. The Workmen's Compensation Board ignored further claims by this gentleman that he did not feel well, that his condition had not improved and could not resume previous activities. On April 28, 1976, the review branch sent this man a letter informing him that they could not continue compensation on his claim.

Hon. B. Stephenson: You said the Workmen's Compensation Board ignored his claim that he could not function—

Mr. Grande: That's right.

Hon. B. Stephenson: —and then eight or nine months later he got a letter from them saying that they couldn't continue his compensation?

Mr. Grande: Okay. Forget it. Let me read from the decision of the commissioner of the board—

Hon. B. Stephenson: I'd like to have it clear, please, Mr. Grande, if you would.

Mr. Grande: Fine.

Hon. B. Stephenson: The man obviously has been on compensation since his release from Downsview. Right? You said he was terminated and then you went on to say that the board ignored his condition, but in a subsequent letter from the board there was a remark that his compensation could not continue.

Mr. Grande: Let me give you the exact dates; I'm trying to be brief, but obviously you are getting confused.

Hon. B. Stephenson: I'm not sure that I'm confused, Mr. Grande.

An hon. member: You have always been confused; that's why we are here.

Mr. Chairman: Order, please.

An hon. member: You are just getting more confused.

Hon. B. Stephenson: No, I want to know the factual situation, because it has been suggested that he was not getting any compensation; then he was getting compensation; that the board had ignored his symptoms and yet they kept him on compensation. I find this confusing, yes.

Mr. Grande: On February 9, 1976, because of the accident that he had June 3, 1975, the Workmen's Compensation Board made a further decision declaring this man fit to work; therefore, no further compensation was given him from that particular time. Are we clear? Okay.

This man continuously claimed that he was not able to do the job. He went back to work for about two days and he came back; he simply could not do that work. He still complained of pain in his neck.

What happened is that between February and September, when the case was appealed, this man—if you had seen him the first time he came to my office, you would have said, "This man needs a psychiatrist." Let me tell you—and I'm being frank with you—that after that interview with him, that was my reaction. He was upset. He was nervous. He was tense. He was ready to tear the ceiling down. He did not feel that justice had been done.

What happened was that, through all kinds of telephone calls between the different departments of the Workmen's Compensation Board, the Workmen's Compensation Board or some department finally agreed that this man should be seen by a doctor. The doctor that he was seen by was Dr. McNab. Now I understand that Dr. McNab has a good reputation as an orthopaedic surgeon. At least I understand it from the Workmen's Compensation Board and the gentleman—I forget his name—we saw when we appealed the case that particular day.

[11:45]

Now Dr. McNab x-rayed this man's neck and found out that this man had a lesion in the cervical spine, in his neck—a lesion which had not been observed in any other x-rays prior to Dr. McNab's taking a look at that. The appeal was in September of this particular year and, by the way, the appeal was granted.

From February to September of this particular year this man with a family of three children, a mortgage on his home and everything else—because he made good earnings, a good wage when he worked—was forced to go on welfare. As the members opposite want to say social assistance, let's call it social assistance, but he was forced to go on welfare. In other words, he was forced to go to the public trough, so to speak, Mr. Starr, in your own words to get—

Mr. Starr: I never used that—

Mr. Grande: The inference the chairman made—

Hon. B. Stephenson: Those are not the chairman's words. I have never heard them.

Mr. Starr: Don't carry on with these fantasies, if you don't mind.

Mr. Grande: He was forced to go on welfare. It was a decision he had to make which I am sure, knowing this man quite well, was a traumatic experience in itself. In the eyes of his neighbours and his family it is, rightly or wrongly, a degrading type of situation. He was brought to the position that he could not do anything else except apply for welfare. By the way, he received welfare. In September his case was heard and his appeal was granted. All I am saying to you, for heaven's sake, is that if a doctor through x-rays can see that obvious lesion in his neck or at least—

Hon. B. Stephenson: Could you tell me what the lesion was?

Mr. Grande: Let me read from the doctor's report. The doctor says, "On examination, although he is over-reacting a little bit to his discomfort as evidenced by the fact that he only allows movement of the cervical spine

to a range of 20 degrees in any direction, on the whole he struck me as being an emotionally stable young man." By the way, at this particular point this man was sent to a psychiatrist but this doctor says he was an emotionally stable young man, significantly disabled by his discomforts.

"The x-rays were of extreme interest in that they showed disc degeneration of an unusual segment. The cervical lordotic curve is maintained up to the upper border of L 5 and here there is an inflection deformity of the 4-5 disc giving rise to a very straight looking cervical spine."

You are a doctor; you understand this, perhaps. "This is not completely pathognomonic, of course, because anybody who is concerned about their neck and tries to relieve the discomfort by holding their chin down will flatten the cervical lordosis but it is suggestive of the fact that this is the site of his discomfort."

I'm sorry; perhaps I am reading—I am, indeed, reading from the wrong record. It is an earlier report by Dr. McNab which says—

Hon. B. Stephenson: On the same individual?

Mr. Grande: That's right. Dr. McNab saw the individual again and x-rayed him and found out really what the situation was in terms of his neck. I would like to get hold of that.

Hon. B. Stephenson: The earlier report was shortly after the accident? Is that what you're saying?

Mr. Grande: I'm trying to look for it.

Mr. Reid: That is the problem of the board, too.

Mr. Grande: Yes. I have so many cases that sometimes it boggles me how I can keep track of them. It really does.

Mr. Reid: It's a problem with the board trying to keep track of them all, too.

An hon. member: On the board there's not one NDP member.

Mr. Grande: My assistant is a superhuman person. Really she is.

Mr. Reid: I'm not being critical. I'm just making a statement.

Mr. Grande: Perhaps I could read the decision from the commissioner of the board. Let me read it in total so there will be no mistake in understanding.

"The man was originally injured by accident at employment on June 3, 1975. At that time he was working as a labourer with Central Contracting Company and jumped from the platform on the truck to the ground. In the process, he jack-knifed his back and subsequently experienced pain in his neck region and upper arm. He was placed on compensation and was paid from the date of the accident until February 16, 1976, when he was finally released from the hospital rehabilitation centre and declared at that time fit to return to work.

"Mr. Gagliardi has claimed that he is entitled to continued compensation benefit from February 16, 1976, to the present and continuing on the grounds that he is still totally unable to work. Mr. Gagliardi came to an appeal examiner inquiry in Toronto September 9, 1976, together with the MPP as his representative. Mr. Gagliardi was sent to the hospital and rehabilitation centre on December 15, 1975. He remained at the centre until discharged on February 9, 1976. At the time of discharge, the diagnosis was cervical strain now resolved and no psychological disability. At that time, it was felt that since Mr. Gagliardi had stated that he would be able to return to work with his accident employer, no rehabilitation services were needed.

"Mr. Gagliardi was not able to return to work and continued to have neck pain and disability for which he attended his family physician. Dr. Lamenza provided him with pain-killing pills and he continued to wear a cervical collar. In time. Dr. Lamenza referred Mr. Gagliardi to Dr. Ian McNab. An appointment was eventually arranged for him to be seen by Dr. McNab in Toronto.

Dr. McNab recommended that Mr. Gagliardi be admitted to the Wellesley Hospital for a series of tests to determine if a lesion in one or more segments of the cervical spine can be localized and that a decision then be made as to whether surgical intervention will be of assistance. Dr. McNab emphasized that this man has been growing steadily worse throughout the strain.

"On the strength of the medical evidence presented from Dr. Lamenza and Dr. McNab, the board finds that Mr. Gagliardi is entitled to compensation benefits from February 16, 1976, to date and continuing and that he's entitled to the treatment as suggested by Dr. McNab in his letter of June 21."

What I'm saying to you is that on February 3, obviously a wrong diagnosis had been made on this man.

Hon. B. Stephenson: No, that's not necessarily true at all.

Mr. Grande: Please explain it to me.

Hon. B. Stephenson: Disc degeneration of that sort can indeed follow an accident but it is not radiologically perceived sometimes for several years. It is fortunate for this man that it was radiologically perceived at a relatively early date. Dr. Lamenza had some concern about this man continuing to complain about his neck. What was the date Dr. McNab saw him? Did Dr. Lamenza communicate with the board that the man was continuing to have pain and couldn't work—which is a part of Dr. Lamenza's responsibility, I would like to know. When did Dr. McNab see him?

Mr. Grande: The board would know this information.

Mr. Lupusella: If I may, Mr. Chairman, you're going to be really shocked.

Mr. Grande: June 21.

Hon. B. Stephenson: I'm trying to find out what it is that Mr. Grande is attempting to do.

Mr. Grande: What I am attempting to do, Madam Minister, is tell you this man who suffered an industrial accident went through the treatment, went to Downsview, he was discharged from Downsview and declared fit to work. Between February and September, this man had to go to welfare in order to keep up his payments, to keep his family in one piece, borrowing money from friends and relatives alike in order to sustain his family, and then we find out in September that really this man's case is compensable and that he should not have been discharged back in February.

Hon. B. Stephenson: You read from the commissioner's report in which it stated that Mr. Gagliardi suggested that he was fit to go home and that he didn't need any assistance. That was included in the commissioner's report. He said that he would go back to work and he declined any kind of assistance as far as the board was concerned.

Mr. Grande: What happens if a man is told that he is fit to go to work; what is he going to do? He is going to say, "Look, I have trust in you for this time. You say that I am fit to go to work, I will go back to work." He worked and yet he could not perform that task.

The medical evidence is another point that I am going to be making. I am sorry for taking so much time but I think it's important. I really do think it's important. I really think it's important that I get my particular frustrations and unbottle them somewhere so that somebody knows and I would feel better. It is, in a way, therapeutic for me.

Dr. Jacobs: Mr. Grande, will you accept an interjection on one aspect of it? In dealing with that case, when you say he was discharged from the rehabilitation centre, was he discharged on the advice of the consultant, Dr. McNab, before, or did you intimate that he had been seen by Dr. McNab before? It is a little obscure. If you could clarify that.

Mr. Grande: Sir, I read the letter into the record, and as I was saying, you know, my apologies that perhaps there are times I have perhaps taken the wrong information when I started reading the letter. My only explanation for that is that I have so many of these Workmen's Compensation Board papers that it requires a miracle to keep them in one case. I would like to continue. Perhaps we could leave that and perhaps you can read the record and find out what other information and what other evidence you require.

I would like to go on to something that my leader was speaking about yesterday, which I really think is at the root of the problem, and that is the attitude that the board has. Let me say it again, because the member for Dovercourt continues to tell you this but for some reason or other you don't seem to want or you don't seem to understand what he's trying to put across to you. What you do, yesterday, over and over again, Mr. Starr, you attempt to discredit whatever he is saying, because he comes to particular conclusions with his evidence that you do not like. May I say to you on behalf of myself right now that if he comes to and I come to a conclusion you don't like, perhaps that is the process in terms of changing whatever process goes on at the Workmen's Compensation Board. I am convinced, and am coming very fast to the conclusion, that it is useless to tinker with the system; you have to start afresh with a new system altogether. As for an altogether new system, I felt that the Liberal member was beginning to have some glimpses at it the other night but it was just a smokescreen in close observation. I would sort of—

[12:00]

Mr. Reid: What are you talking about?

Mr. Grande: Mr. Haggerty's resolution in terms of—well, you have a copy of it I am sure. The attitude of the board. It's not within the board itself, but I happen to believe that it radiates outside of the board to the medical profession; it completely radiates out to the medical profession.

You were saying earlier that you have senior people whose judgement you consider very highly. What happens is that if a doctor —and let us take the case of a doctor who is just starting his practice, or who has been two or three years in his practice—if he reads a medical report by supposedly the best man in the profession in that particular field, saying there is nothing wrong with this man, do you think that this medical doctor is going to—

Mr. Chairman: It is now 12 o'clock.

Hon. B. Stephenson: Can we just finish that remark?

Mr. Chairman: Possibly you could just finish.

Mr. Grande: I'm saying, do you think that medical doctors, who are starting in their profession, and professional as they are—because, look, I go to doctors whenever I need to go to doctors, and I have complete trust in them. I have to. I can't do it on my own. But do you think that a medical doctor, who is starting in his profession, when he knows that there is a senior doctor who has given a particular kind of verdict, is going to have the strength to change that verdict?

Hon. B. Stephenson: To question it? Yes.

Mr. Grande: I'm just throwing it—

Hon. B. Stephenson: You may throw it, but I can tell you that he will most certainly have the strength to question it, if he disagrees with it. That's a part of the training programme.

Mr. Grande: All right, Mr. Chairman. We will continue after the question period.

Mr. Chairman: The committee will sit again after the question period.

The meeting recessed at 12:02 p.m.

APPENDIX C

Standing Resources Development Committee

THURSDAY, DECEMBER 16, 1976

The committee resumed at 3:50 p.m.

THE WORKMEN'S COMPENSATION BOARD
(continued)

Mr. Chairman: Can we resume, Mr. Grande?

Mr. Grande: Thanks very much, Mr. Chairman. When we left at noon I was talking about certain cases, and then I went into the matter of the doctors. I understand I am going to be provided with a list of the doctors employed by the board and doctors who, as I put it at that particular time, work for or are attached to or are used by the board, in terms of both senior doctors and other doctors who may be used.

I would like, very briefly, because I don't want to take too much time, to go into two other areas. One is the appeal process and I will ask perhaps a very naive question: When an injured workman comes to me, how am I going to go about getting the information with which I could come before the board to fight an appeal?

I have two ways. One is to phone the board and talk to Mr. Bill Cziranka, the person I am attached to or is attached to me. Another way is, on behalf of the injured worker, to write a letter to different doctors the injured workmen has gone to asking for reports. I have tried both ways and both of those two particular ways seem to frustrate me.

Let's take the summary avenue. I call Mr. Cziranka again; and Mr. Bill Cziranka says, "Could you possibly find out specifically what the problem is so we can zero in on that problem?" I say, "Fine, if I could do that, I would be more than willing because I don't want to cause work for you and I don't want to cause work for myself, frankly. If we can isolate the problem, we can solve it."

If I cannot do that and if the case comes up for appeal, I have to say to Bill who, by the way—

Mr. Chairman: I have just received some information that I will pass on to the committee. I am told by the page that Mr. Lewis would like all the NDP members in the House.

Mr. Wildman: Can the committee continue?

Mr. Starr: No, not with all the NDP members leaving.

Mr. Chairman: Maybe you should check anyway to see. Continue, Mr. Grande.

Mr. Grande: Thank you very much. As I was saying, with the summary, Mr. Bill Cziranka, as far as I am concerned, and I have talked to him at least on two occasions, is attempting to do the best possible job he can, but I know for a fact, and he tells me, that he is overloaded. He cannot provide me with a summary on this man unless he has about a month or two months to do that.

Sometimes I say: "I don't need this so very fast but certainly I need it in order that I can prepare myself for an appeal." On two occasions, the only time I received a summary of information was when the appeal date had been fixed. These might be isolated cases or not isolated but what happened was I received one summary on the morning of the appeal itself. The other summary I received on a Friday for a Monday appeal.

Earlier on, the chairman of the board was saying, if I remember correctly, that he has 83 per cent of these appeal dates postponed. He did not mention that one of the reasons might be that the people who are appealing or working on behalf of the injured worker do not have the information at hand with which they could bring forward their case.

If I cannot get the summary of information within good time, let's say two or three weeks before an appeal, how on earth am I going to represent this particular worker before that appeal? I'm not suggesting to you that Bill Cziranka is not doing his job; Bill Cziranka has a lot of summaries to prepare. That's one avenue and that avenue frustrates me. The other avenue is to write a letter to the doctors, on the authorization of the injured worker, to get the information I require. Look at what I get back from doctors. I wrote a letter in May—no answer; I wrote another letter in April—no answer. Finally one doctor wrote me this really beautiful letter which says, "In answer to your letter, unless you're willing or the injured worker is willing to pay $150 for this report, I'm not going to give it to you." How on earth can I, who really want to, do the best possible job and get the best possible justice for that

injured worker if I cannot get information through the doctors or if I cannot get the information from the Workmen's Compensation Board? Where am I? Frustrated, obviously.

[4:00]

Mr. Starr: I was just going to say that, as far as Bill Cziranka is concerned, he is your contact person and special counsel. It's not his jurisdiction to provide a summary of information for an appeal situation. It is the appeal board's. I can see your frustration in not getting that information sufficiently beforehand in order to prepare yourself to present the case. I think this can be overcome.

On the other matter of seeing the reports on file, I think that too can be overcome. I will ask Mr. Reed, our vice-chairman of appeals, to say what can be done and to speak to you about this right now.

Mr. Grande: I am aware of that, Mr. Starr. One of the things that could happen is that I could come to the Workmen's Compensation Board and I could sit for two or three hours and look over the file. I am aware of that.

Mr. Starr: And you can see the reports of the doctors.

Mr. Grande: But perhaps I do not have the time to do that, to take two or three hours to come to the Workmen's Compensation Board and take a look at the file. What I am asking is that a summary of information, detailed enough, will be provided to me in good time.

Mr. Starr: All right. That is something that Mr. Reed can answer.

Mr. Grande: The answer is not to have another 10 Bill Czirankas there. The point I'm trying to make is that somehow the bureaucracy in that Workmen's Compensation Board is not doing its job. Bill Czirankas could be needed in other departments.

Mr. Starr: I don't agree with that at all.

Mr. Grande: All right.

Mr. Starr: And I don't agree there is bureaucracy there. They are all human beings trying to do a job on behalf of the working men.

Mr. Grande: They are all human beings—

Mr. Starr. A lot of people create bureaucracy. For example, Mr. Grande, and I've seen this happen before, a person will write me a letter and he'll send copies to 12 other people. That creates bureaucracy.

Mr. Lupusella: Pardon me, Mr. Chairman.

Mr. Chairman: No, Mr. Grande has the floor.

Mr. Grande: I just wanted to put that and to state the situation in which I find I cannot get the information from the Workmen's Compensation Board or I cannot get the information from doctors. By the way, one other point here on the doctors, when the injured worker contacts me, you can call it a third party but as far as I am concerned I'm working on behalf of that injured worker. In essence, that information goes to the injured worker, so therefore I am second party also, if the injured worker wants to engage me to work on his behalf.

Mr. Starr: Would you allow Mr. Reed to explain to you what the route should be and where you can get the information, because I think it is only fair that you should have it at the time so that you can prepare yourself?

Mr. G. W. Reed: On the question of summaries, first I should make it clear that they are prepared by members of the appeal staff, not by Mr. Cziranka. You have another option which you haven't mentioned, with which you may not be familiar, you could come in and see the particular person that you are associated with, ask him to go over the file with you and he will give you the sum and substance of the reports orally.

Mr. Grande: I did mention that.

Mr. Bain: He mentioned that already; he doesn't have time to do that.

Mr. G. W. Reed. All right. Then the only other alternative is the summary of information. May I say that they are prepared in the appeals process, and I concede that we have had a problem this year because of the vastly increased number of appeals. As I explained yesterday, we have produced almost nearly twice as many summaries this year as we did last year, with substantially the same staff. That is one of the reasons why there have been delays.

In order to try to get over this problem, in the last while we have employed part-time help, former employees of the board, who have been brought in to help in the preparation of the summaries, which is a very time-consuming task, particularly if you have a large file. Secondly, we are in the process of hiring another full-time person in the classifi-

cation of appeals administrator B, who will be devoting his or her full time to the preparation of summaries. In other words, what we are trying to do is to improve the expediting of the preparation of the summaries, and we are in the process of doing that now.

The volume has been the problem this year. As I say, the number of appeals has increased substantially and we have not really had the staff in order to cope with that extreme volume this year. But we are taking these steps in an endeavour to expedite the preparation of these summaries.

Mr. Starr: Exactly what would Mr. Grande have to do, Mr. Reed, in order to advise us that he wants a summary of information prior to a case?

Mr. G. W. Reed: He has to make a request for it—and a phone call is sufficient—to the registrar of appeals.

Mr. Grande: Well, sir, I have a contact—

Mr. G. W. Reed: But you can make it—

Mr. Grande: Sure, I understand. But what happens—

Mr. G. W. Reed: The contact is not in the appeals process. You understand that?

Mr. Grande: Sure. Since I have that contact, I try as best as I can to deal through this particular person as opposed to be calling or writing letters to all the different departments of the board. I would think that is the reason why that contact is there; for no other purpose. The point I'm trying to make is that that particular person, and that particular position, would not be required if somehow the system functioned smoothly.

To go on in terms of the physical rehabilitation—now I am beginning to make the distinction between the physical and vocational rehabilitation at Downsview—yesterday Dr. McCracken was saying to us that the people who go through Downsview rehabilitation centre seem to be satisfied. As a matter of fact, he quoted a figure of 97 per cent who said they were satisfied. I asked Dr. McCracken yesterday if I could see a copy of that questionnaire to find out whether the name of the person is requested on the questionnaire. I haven't seen it, but I suppose I will in due course.

It doesn't require a lot of intelligence for a person to feel that if he is going to be writing a name on a questionnaire, and criticizing the kind of treatment he gets at the centre, that the people who work at the centre, being human as everyone is, are going to feel a certain amount of tension there between this individual and the people who work there. It's natural. Therefore, when a person is requested to put his name on this questionnaire, this person is going to be saying, "Look, if I have something positive to say, I'll say it. If not, I will just fill it out so as to appear that I'm satisfied."

My understanding, or at least the understanding I get from the injured workers, is that many of them are not satisfied with the kind of physiotherapy and the kind of treatment that goes on at Downsview. I just want to make that point, and to put it together with that questionnaire, so that perhaps there will be some sense that whatever results you get on the questionnaire are really not the results that are in the real world.

The next point is about disability. I would like to find out how many people who have been assessed pensions between 40 per cent and 70 per cent really do find a job, this famous "light work" that you talk about all the time? How many of those people are employed, those with 40 per cent to 70 per cent disability? And can you suggest to me, or to anyone else for that matter, one job that a person who is 70 per cent disabled can do? Please do it, because that would make your work a lot easier and it would make my work a lot easier.

A person who cannot sit for longer than five minutes, who stands up for another two minutes, has to lie down for another 10, is 70 per cent disabled; tell me, what kind of job could this person hold?

Mr. Starr: Just out of the blue, I can't give you these figures. If we had anticipated this sort of question, we probably could have prepared ourselves, but we can look into the situation.

Right away it comes to my mind, and I'm subject to correction, Dr. McCracken, that it is not true; that at the Premier Picture Frame, I believe, there's a chap employed full-time who is 66⅔ per cent disabled. Is that right?

Dr. McCracken: Sixty per cent at least.

Mr. Starr: Sixty per cent. I thought it was 66. That's pretty close to 70. He's working.

Dr. McCracken: The other factor, too, if I might just interject here, is that we do have cases of people who have 100 per cent permanent disability who are gainfully employed five days a week. For example, people who have a total loss of vision. They go to

work every day using a seeing-eye dog, and they earn very respectable incomes.

We have people who have spinal cord injuries and have total paralysis of both legs, who have to exist in a wheelchair, and they have hand controls on their automobiles and they have ramps at their houses and at their place of business and they go to work every day.

We have major amputations, with both legs off or both arms, and some of these people are gainfully employed. So the per cent disability does not preclude a person from being employed.

Mr. McClellan: So you don't have a problem in this area either?

Mr. Grande: I can understand that if a person in an accident cuts one hand off, he can start using the other hand. He cuts one leg off or both legs—you know, it's the mentality that I don't understand; really, it's the mentality—that person is so disabled all he has is one eye left, you would probably say to that person, "Somebody will carry you there, will sit you on a chair, and you can watch bottles go by to make sure that there is no glass in the Coke bottles." That's a job.

Really, it's incredible. Look, I'm sorry if I'm really coming across venting frustrations, but these are frustrations that have accumulated over one year of experience. I'm sure that next year it'll be two years' experience, and I hope that you have made the changes necessary so that I can come in here in a calm way and instead of being critical I can begin to think in terms of being constructively critical.

Mr. Starr: I hope so, too. I hope that we have that wonderful atmosphere, but I doubt it very much.

Mr. Grande: You're not optimistic?

Mr. Starr: No matter how hard you may try, I doubt whether we can satisfy you, Mr. Grande; I'm sorry.

Mr. Lupusella: It is up to the board.

Mr. Chairman: Mr. Sweeney.

Mr. J. Sweeney: Thank you, Mr. Chairman. If I remember correctly the numbers which the chairman quoted in his opening remarks, it was to the effect that you're now opening close to 400,000 new claims a year. I think it was 398,000 or something.

Mr. Starr: This year it'll be over 400,000 cases.

Mr. J. Sweeney: Okay. I'm just taking an educated guess, Mr. Chairman, and I'm certainly open to corection here, that there would be something in excess of two million workers in the work force in the province of Ontario?

Mr. Starr: A little over three million.

Mr. J. Sweeney: A little over three million, okay. So we're talking, then, of about 16 per cent of the work force who are represented by approximately 400,000 claims. That seems exceptionally high to me, and I'm wondering what is the Workmen's Compensation Board doing to try to prevent these kinds of accidents as opposed to the amount of time that's being spent to cure them once they've been created?

I know there are some programmes, but if they're continuing to climb at this rate, and it seems to be at a higher rate than which the work force is climbing, the whole thing's getting out of sync here someplace.

Mr. Starr: Out of that 400,000 about two-thirds of those are medical aid claims. In other words, there is no time lost. It may be that an industry person has a finger cut and goes to first aid. That's reported and that's one of them.

Mr. J. Sweeney: I'm only talking about new claims here. I don't know how many, 50,000, 60,000, 70,000, that you have ongoing all the time.

Mr. Starr: This is what I'm saying. Of the new claims, approximately two-thirds are medical aid claims with no time lost. About one-third of those 400,000 represent loss of time claims.

Mr. J. Sweeney: Excuse me, the fact remains, though, we still have somewhere between 15 and 20 per cent of the work force being injured. These are new injuries every year. I admit it can be anything from a cut finger to death.

Mr. Starr: The Workmen's Compensation Board is in the field of education. We have nine safety associations which cover pretty well the whole sphere of the labour force that we cover under The Workmen's Compensation Act. Their job is to educate both employers and employees in safety. That is the role we've been playing and I think we've been doing a pretty fair job as far as safety education is concerned.

Mr. J. Sweeney: Do we have any comparable statistics as to how Ontario stands up against other North American or western European jurisdictions in terms of the per-

centage of the work force that is injured annually?

Mr. A. G. MacDonald: We could provide you with frequency rates of various industries which, I believe, show quite a comparable relationship between ourselves and other jurisdictions in Canada.

Mr. J. Sweeney: Really, the thrust of my questions is to ask in a very direct way should there not be a much higher percentage of time and effort of the board, or maybe its another agency of government, directed toward the prevention aspect rather than the curative aspect. That's really the thrust of my questions. Is that a legitimate aim or function of your board?

Mr. Starr: Yes, of course it is. That's of great concern.

Mr. J. Sweeney: And to a much greater extent than what is being done now?

Mr. Starr: We provide around $10 million to the safety associations for their programmes of safety, that is to prevent accidents.

Mr. J. Sweeney: I would respectfully suggest the $10 million is a very small percentage of the number of dollars you spend each year. I have no idea what the percentage would be but I'm just guessing that it's very small.

Mr. Starr: May I say that we don't say to the safety associations we want them to stay within a certain figure? They come forward on their own initiative with a budget which in most cases we approve and then provide the funds.

Mr. J. Sweeney: Are you satisfied or are the members of your staff satisfied with the ratio or the proportion of your funds and your energies are being directed toward prevention as compared to cure?

Mr. Starr: No, I think greater efforts should be made and probably could be made by the safety associations. We're prepared to stand behind them in any education they might want to accelerate in any shape, manner or form that would be helpful.

Mr. J. Sweeney: Let's leave that for a minute. Again I'm open to correction, but I believe very recently an actuarial study was done of the Workmen's Compensation Board and the decision that was made was that actuarially the board is bankrupt. Can you give any credit to that one way or the other, that the present economic function of the board from an actuarial point of view put it in bankruptcy?

Mr. A. G. MacDonald: If you had been here yesterday, you would have heard an explanation of this particular matter which was raised by Mr. Mackenzie.

Mr. J. Sweeney: Oh, it has been raised?

Mr. A. G. MacDonald: You will find in the record a very complete explanation of our present assets and liabilities situation. We are certainly not bankrupt.

Mr. J. Sweeney: I understand that quite a large number of the employers who at the present time totally fund it are most unhappy with the annual increases. Is any other form of funding being contemplated in the very near future?

Mr. Starr: The task force recommended that the cost of living increment, which was recommended on a yearly basis, should be funded from the consolidated revenue fund of the province of Ontario. But this has not been put into effect and we've had to fund everything on our own through assessment on the employers.

Mr. J. Sweeney: Has the board itself taken any strong position on alternative methods of funding?

Mr. Starr: No, not to my knowledge.

Mr. A. G. MacDonald: Mr. Chairman, in the final analysis, the consumers of goods and services or the people who pay taxes in this province would be paying for the cost of any benefit increases, by one process or the other.

Mr. J. Sweeney: The difficulty, as I understand it from some of the employers, is that as these premiums go up and up, they are facing rather extensive competition in terms of the pricing of their goods. They claim that the Ontario premiums are more heart-breaking than those of other jurisdictions. I don't know what they base that on, that's simply a claim.

Mr. Starr: Not necessarily.

Mr. A. G. MacDonald: I think if you look at the interrelationship between the federal and the provincial authorities in terms of taxing and remember that the premiums paid to compensation are taken out before tax, a good case can be made that the cost to the consumer in this province is less by having it done as a matter of assessment

rather than having it come from the consolidated revenue fund. I think you should look at that from the tax point of view.

Mr. J. Sweeney: Yes. I guess it is almost a year now since we met this board and the last time I brought up two points and was advised that you would be looking into them. I wonder if I could repeat them now and find out what, if anything, has been done about them?

I had two very serious concerns about a year ago. The first one was the long delays in handling claims. As a matter of fact, if my memory serves me right, I indicated that the files I had at the time showed that the average length of time for all claims—this is the initial one, not the appeals and all those other things—was in the vicinity of three months for the people I was coming into contact with. One of the reasons, as has been mentioned here a number of times, is the number of desks a file seems to have to go through.

The request made was whether or not it wouldn't be possible for each file to have a facilitator—one person—who would follow it all the way through to see it didn't end up on somebody's desk and stay there for two weeks when perhaps it should be there only one day. I wonder what, if anything—you said you were going to look into that.

Mr. Starr: I think we have a favourable response for you. Mr. Kerr is now ready to give you the answer to that one.

Mr. Kerr: We discussed this yesterday, and I would be very happy to recap it briefly for you, how long it takes to process the initial payments. There have been some improvements in this area.

I reported yesterday that what we call the uncomplicated claim—it could be a serious injury but no extensive inquiry is required to determine whether or not it comes under the terms of the Act—is handled in our primary claims adjudication section, and 94.6 per cent of all these uncomplicated claims are processed for the initial payment within three days from the date the employer's report of accident is received. And 97.6 per cent are processed within four days of the receipt of the employer's report of accident.

We think that under our present system that is probably the irreducible minimum for probably the next 12 to 18 months. That is, we think, a vast improvement over a year to 18 months ago.

Moving to the complicated claims which require either an inquiry by mail or perhaps a field investigation, they are handled in the extended disability compensation section and 54.8 per cent are paid within 10 working days and 94.4 per cent within 20 working days from the date we receive notification of accident.

Since our last meeting here in December, 1975, we have introduced a trial project whereby the claims adjudicator responsible for the initial adjudication, following along the lines you discussed last year, is responsible for that claim in total until the decision is made. We think we have a system going which enables us to have a little tighter control on the initial adjudication and I think that we can continue to make progress in that area for you.

Mr. J. Sweeney: If I remember correctly, one of the responses I got last year was that part of the hold-up was the employer, the doctor or the employee himself submitting the original claim, and that that could take quite a bit of time. When you talk in terms of four days or 10 days, whatever the case may be, after you get it, have you shortened the amount of time between the accident itself and those forms coming in to the point where you can actually deal with them? Or do we still have a fairly lengthy delay there on an average?

Mr. Kerr: Mr. Chairman, we are making improvements there. As you know—and we reported it last year—employers who do not report accidents promptly are assessed a late filing penalty under section 117(3) of the Act, and this has had quite a beneficial effect. A recent figure I have that might be of interest is that 80 per cent of all lost-time employers' reports of accidents are now received within 10 calendar days of the accident. So we have made a fair improvement in that area, and we'll continue our efforts to make sure that accidents are reported to us promptly.

We also have found an improvement in the initial report coming in from the doctors—their first report covering the examination immediately following an accident. We find that there is an improvement in that area.

Mr. J. Sweeney: More than 10 days?

Mr. Kerr: Sometimes we get the doctor's report in before the employer's report of accident, on the basis that we stockpile. Each doctor has a form of blank forms, so that when an injured person goes to him, the doctor, if he is prompt, can complete his initial report of accident and send it to us,

perhaps even before the employer has his in the mail the next day. We find that 43 per cent of our claims are set up on receipt of that original doctor's report. So we find there's been an improvement in response there from the doctors in the initial report. I think we're going in the right direction and we'll continue to strive for improvements.

Mr. J. Sweeney. Looking at those figures cumulatively, they would suggest that the employee should expect to get his first cheque —if I add them up roughly—within 14 days after the accident. Is that becoming your average?

Mr. Kerr: It depends on whether it falls into the category of an uncomplicated case or a complicated case. It's very difficult to make a definitive statement on an individual case because, as we've heard in here, sometimes quite an extensive investigation is needed. It's very difficult to say that every man is going to get his cheque within the time-frame that you mention; what I've been giving you is averages and, as we know, it could be above or below the average.

Mr. J. Sweeney: As another part of the same question, considering the very severe financial straits that some of these people find themselves in—because it has come to my attention on a number of occasions that because they were expecting Workmen's Compensation Board payment, they were not eligible for unemployment insurance and in some cases not even eligible for welfare or money from other sources—I also asked last year whether there was any way that your board could set up some sort of a co-operative temporary funding mechanism, even between the Ministry of Community and Social Services and the various welfare departments. I had a number of cases, which I brought to your attention a year ago, where people had gone for upwards of three months with no income whatsoever, except what they could borrow on their house or borrow from the bank. Once again, you said you would look into that possibility. Has anything been done on that?

Mr. Starr: Yes. We have set up in our office—and I'm almost frightened to death to mention in the intermediate period that any one of us from the Workmen's Compensation Board would even suggest to a person that he should apply for welfare—

Mr. Haggerty: It's happened, though.

Mr. Starr: But, because we felt that this person should not be left stranded, so to speak, not knowing which way to turn, we've set up a person at a desk who has all the available information with respect to these matters—that is, social welfare and pensions of every other kind—who has a connection with them and can guide that person, help fill out the forms and do everything earthly possible to help expedite some sort of—

Mr. J. Sweeney: Who is that?

[4:30]

Mr. Kerr: I believe it's the community resources adviser in the vocational rehabilitation branch.

Mr. J. Sweeney: Are these located at the head office or in the regional offices?

Mr. Kerr: The chairman is quite right, this office has been set up in Toronto, but I'd like to add that the claims information and counselling services branch, which is one of the branches under my area, this is done through our claims counsellors at head office and through the eight area offices.

Here again, I approach this with a certain amount of caution. I've heard two sides of the coin. I think earlier this week it was suggested we should set up a closer liaison with these organizations so that we can help injured persons receive some kind of benefit from some source pending this delay in adjudication. But I must say that on other occasions I have heard criticisms of us for making such suggestions. So we are kind of in between here, but our claims counsellors are helpful in that regard and try to make suggestions that, if we are in difficulty, here is a course to pursue.

In a very recent development—and I'm not too sure whether this is good or bad, I think it's good for the person concerned—we were approached by the Unemployment Insurance Commission in the Toronto area asking us would we suggest to claimants who have to wait for a period of time, if we know there is going to be a delay in getting the facts to adjudicate the claim, would we please refer them to the unemployment insurance office for consideration of benefits they might be entitled to under that scheme.

Mr. Wildman: You mean sick benefits?

Mr. Kerr: Yes. So we have set up that kind of a referral on a personal basis when the person is being interviewed. We don't send it out in the form of a letter, but when we are talking to a man about his case, or he is being counselled or he is enquiring, we do remind him that this is a source that perhaps he would like to explore. We are going

to review this in a period of six months to see how it is working.

Mr. J. Sweeney: Would it be reasonable to assume that anyone who comes to your attention for the first time would be asked, discreetly of course, whether or not he was in severe financial straits and therefore some of this other information could be given to him? The feedback that I've got is that this isn't a matter that's ever discussed.

Mr. Kerr: No, we do not routinely ask the man that, because he could consider that an invasion of privacy. In cases of need, I don't think the question has to be asked, because the person in all sincerity would let us know that he is in financial difficulty. That is usually how we find out, the individual volunteers that he is in financial difficulty and requires help of some kind.

Mr. J. Sweeney: Okay. I understand from a report that was made earlier that a significant change was made in April, I think it was, 1974, in terms of a person who is partially disabled but who can continue to get full compensation. I have a copy of the September, 1976, Ontario Medical Review, and I just want to read one sentence here: "About two years ago, the Workmen's Compensation Board changed one of its policies to make this decision a little easier—" the decision they are talking about is the doctor indicating whether it is partial or permanent or whatever it is. This is the part that concerns me, though "—and yet we find that few of our members are aware of this change." Two years later. Who slipped up if the Ontario Medical Review is saying few of its members two years later are aware of this rather significant change? I say it is significant because it was brought up here at least a half dozen times in the last two or three days.

Mr. Starr: I wonder if Dr. McCracken can answer that?

Dr. McCracken: The article which you refer to is the direct result of discussions which I entered into with the general secretary of the Ontario Medical Association. Both Dr. Porter and myself are concerned about this for a number of pretty obvious reasons; namely, one of the effects of section 41 should be that we should get away from any conflict of interest that the doctor might feel toward his patient.

Prior to this, not infrequently doctors would take the approach that this fellow is not only a Workmen's Compensation Board case but he's my patient and his wife and his family are my patients. The doctor felt that he was placed in a very peculiar position in that on the one hand he was being asked to tell the Workmen's Compensation Board what the degree of recovery was of his patient while on the other hand he appreciated, and was told not infrequently by his patient: "Doctor, be careful of what you put down there because my compensation might be cut down." One of the effects of section 41, so far as my thinking was concerned, would be that this would free the doctor from these conflicts so that the doctor would be able to tell us, as he should have been all along incidentally, the correct clinical status of his patient. This is certainly the doctor's responsibility to do so.

The question was, why didn't the doctors know about this? I researched this, because I was not with the Workmen's Compensation Board at the time that this came into effect. It was published in the WCB report which has a very wide mailing list, including many of the doctors who treat WCB patients, so they did receive it. But, like so many things that doctors receive, and I guess anybody else, if it is not apropos at the moment it tends to be forgotten, or in the screening in the front office presumably a number of doctors never did see it because it got filed by his secretary into that great filing cabinet under the desk.

The doctors did not know about this, despite the fact that members of the staff attend every meeting of the Ontario Medical Association, all 11 districts across the province, and they told the doctors in attendance about this.

At any given time, of course, the attendance at these meetings does not encompass 100 per cent of the medical profession in that local area, as you can appreciate. As a matter of fact, the attendance at Ontario Medical Association meetings from long experience usually tends to represent about 20 per cent of the membership in that area. However, this was another effort that was made.

Mr. Lupusella: On a point of order, Mr. Chairman, if I'm correct, it's possible to identify, really, what the doctor of the injured worker, or the specialist visiting the injured worker, is receiving from the Workmen's Compensation Board to communicate with him? Can you identify this?

Mr. Chairman: I think that's a question rather than a point of order. Mr. Sweeney, you have the floor.

Mr. Lupusella: I have different proofs.

Mr. Chairman: Mr. Sweeney has the floor.

Mr. J. Sweeney: May I suggest, having worked indirectly under the direction of another ministry of this government, that when they wanted certain information to get out they found very definite and clear ways of getting it out within days? I don't know what you have done in the meantime, but I would certainly hope that what I just read there is no longer in effect at this point in time and that there is no doctor in this province who doesn't have that understanding.

Dr. McCracken: I'm afraid I can't guarantee that. As a matter of fact, it is impossible to guarantee that there is no doctor left in the province who doesn't know about it. I think it's unrealistic to make that assumption. All I can say is that at quite a number of medical societies that I have had the opportunity to speak to, this topic has always been brought forward and has been discussed. It was as a result of my discussion with the Ontario Medical Association that this article appeared in the OM Review. I requested the general secretary to write something about this. He thought it was an excellent idea and that this is how it came about. This is not the end of it because I intend to bring this matter to the attention of the medical profession through that same publication, not once but a number of times in the next several years.

Mr. J. Sweeney: The only reason I'm continuing to speak to this is that it's been my understanding that medical reports of one type or another are a major cause of the hold-ups, and the hold-ups are one of the biggest complaints of the constituents who come to me. Can I go on to another point? I recall having heard, on Tuesday of this week, that the board will be allowing more of the appeal procedures to be handled at the regional office level. Did I understand that correctly? Or that was the direction in which you were going? Or did I misunderstand that?

Mr. Starr: No. I think possibly it was taken out of the statement that in the new year we are hopeful a panel of the board may hold hearings outside Toronto.

Mr. J. Sweeney: Probably at the regional office levels or not necessarily?

Mr. Starr: It hasn't been decided yet, but I don't think it will be in connection with the regional offices.

Mr. J. Sweeney: May I come to another point with respect to the regional offices? It has been the experience of the secretary in my constituency office that the level of communication between the regional offices and the head office is not nearly as good as it should be. We have had information in our constituency office and when we contact the regional office to clarify a certain point in that information they have no knowledge of it yet they were supposed to be looking after that particular claim.

I understand you have some kind of a terminal connection between the regional office and the head office.

Mr. Starr: We have viewers now.

Mr. J. Sweeney: How is it possible that they wouldn't know these kinds of things?

Mr. Starr: They probably haven't got the information, but they certainly can get it now. There is no reason they shouldn't be able to get it and come back to you. Mr. Kerr dealt with it yesterday. There is no reason they shouldn't be able to get it for you.

Mr. J. Sweeney: Let me clarify that. Would you say that at any one point in time it is possible for the regional office to have total access to the current file of a claimant?

Mr. Kerr: I don't wish to interrupt, but regional offices come under my purview; I wonder if I might respond to your question, Mr. Sweeney?

First of all, in the regional office they do not maintain a complete case file of every accident. I believe you deal with the Kitchener office, is that right?

Mr. J. Sweeney: That's right.

Mr. Kerr: The complete case files are handled at head office and are at head office. As you know the adjudication decisions are made at head office for the allowance of claims and the authorization of payments.

We were very pleased this year, as a means of improving communications, to have visual display screens hooked up to the computer at main office, installed in all of the area offices now. The installations were completed in October this year and the one in your Kitchener office was installed on May 25, 1976.

These units are hooked up at head office so that certain types of inquiries can be answered instantaneously by the claims staff in the area office without having to contact head office. The types of inquiries which can be satisfied by the information on the com-

puter at this point in time have to do mainly with the payment of compensation; the last several payments; the amounts involved; the period of time covered by the payments; and the address to which the cheques were sent.

We find, considering all of our area offices, about 30 per cent of the claims inquiries are answered immediately by the local staff punching the key on the screen in the area office and coming up with that kind of information. This has eliminated a lot of time lost in having to contact head office staff to give that kind of information.

The kind of information which still requires contact with head office is why the claim has not yet been allowed or why the payment is not up to date. We expect in the future to be able to include that kind of information on the computer so that eventually the area offices will have as much information as we have at head office.

That is our view and objective but it will take time to get there. That won't be done this year but that is what we are working to in the future. We are hopeful that we will be able to satisfy more and more inquiries on a local basis without having the delays which sometimes are entailed with the natural time required to contact head office.

Mr. J. Sweeney: That's probably two or three years away?

[4:45]

Mr. Kerr: I would suggest two years—two and a half to three years. I might add, too, that we have put in some additional telephone lines at head office—you will recall last year that was a source of concern at the committee level. They are being installed and this will enhance our ability to take care of more telephone calls with fewer busy signals. We feel that will be a distinct improvement in service.

Mr. J. Sweeney: The reason I am pursuing this is because we find that certain things we do in getting information can slow the process down and we want to be very careful of it.

One of the other points that was brought up by my constituency office secretary—and I would like either confirmation or otherwise—is that when we make an application into the head office and a file is—I believe her expression was—pulled out of the computer line, it frequently takes upwards of one or two weeks to get it back in again and that we may be doing the claimant a disservice by even trying to get the information because it slows the whole process down. Now, that was the impression that she got back.

Mr. Bain: That was the same thing we were told too.

Mr. J. Sweeney: Is there any way you can either confirm that or—I'm not going to use the word deny, but tell me something else?

Mr. McClellan: But they will.

Mr. Bain: Alleviate the problem is what we want.

Mr. J. Sweeney: It puts us in a very awkward position. I make the same observation about the regional office. We really wonder whether we should be completely bypassing the regional office and going directly to Toronto for that kind of reason. This is another point along the same line of discussion.

Mr. Kerr: If I may respond at least in part to that question, Mr. Chairman, it is a fact that when inquiries are made by members of Parliament and a request for the file is made there are occasions when the claim file is not in the cabinet, in that it is active. It is being considered by the claims adjudicator to process a payment; it could be in the payment processing area with the payment information being prepared for entry into the computer; it could be under consideration by one of our medical advisers. There are a number of areas where the claim file is required for active and good reasons.

I do think that our staff, being quite honest, have made comments when certain inquiries have come in that unfortunately because of the high level of inquiry and the urgency to pull this file out to find out what is going on, that they have been taken out of the regular processing stream.

We have recently gone to a system whereby we don't want people to interfere with a claim file that is going through for payment, so we have arranged with staff and with Mr. V. G. Sweeney's administrative resources division that when that kind of request is made we get the information from the payment processing area without taking anything out of its regular processing procedure and try and give the information without disrupting the flow of the file, resulting in some unfortunate event happening which delays the process because of an inquiry.

Mr. Bain: It delays the issuing of the cheque?

Mr. Kerr: Yes, it does delay the issuing of the cheque. So we are trying to satisfy the inquiry without creating a delay in the issuing of the cheque. I must say that probably our staff, being honest, have said that on occasion to people who have inquired. I hope

it hasn't been interpreted as, "Please don't inquire." I think it was intended—

Mr. J. Sweeney: No, it just puts us in an awkward situation. I think I can speak for most of my colleagues and say we don't inquire frivolously; it is only when it looks as if something isn't happening. We have checked from other sources and we can't get an answer; that's why we inquire.

Mr. Kerr: I am very pleased you brought that up, because we have taken action to try and avoid that and at the same time provide you with the information requested. I am glad you brought that up.

Mr. J. Sweeney: Okay. Let me speak just very briefly to a point that has been brought up a number of times here. The only reason I do so again, at the risk of repeating, is that it is coming more and more to my attention, just in the last several months. This is this whole business of partial disability and the difficulty of someone getting a job.

I understand that the initial direction is that the former employer should make some effort to find an alternative "light work" or "moderate work"—whatever it is—position for this person. There is some sort of pressure on the employer to take this person back and to find something for them.

The difficulty that I have been running into is that the employers will do this initially —and I have got six cases on file of this right now, just over the last three months—the employer will do this initially but, within about three or four weeks, the employee is put back on to a job which is the same as what he had in the first place or equally as heavy and he's literally forced to quit.

Is there any sort of monitoring of this situation because what happens in all six of the cases is that the word goes back to the Workmen's Compensation Board that this employee is not co-operating and he's cut off? It's strictly the word of the employer that he has made a "sincere" effort to find light work for this person and he won't do it. Yet in each of the cases where I checked back, although it is true they were given light work initially and maybe even the second job was light work, within a relatively short period of time, four weeks, six weeks or a couple of months, they were put onto something which was just as hard as what they had originally. The employee seems to have no recourse because the employer sends in a report either by mail or by phone saying he's dropping this guy because he's not co-operating.

Mr. Bain: Of course, the board always gives the employee the benefit of the doubt!

Mr. J. Sweeney: I'm concerned that maybe the board simply accepts in toto the word of the employer without anyone seriously checking it or monitoring it. I just don't know, that is why I'm asking the question.

Dr. McCracken: Where the rehabilitation counsellor is involved, and he is in on an appreciable number of these cases, in placing the person back into his work place, whether it be his original job or some other type of work in the same company or even in a different company, part of the normal pattern which is followed by the rehabilitation counsellors is that after the placement there is a follow-up mechanism to ensure the permanency of employment and self-sufficiency. What this means is that the rehabilitation counsellor tells the person: "If you run into any problems relating to your job, so that you can't do it or the job is changed or something happens, you know what my phone number is and please phone me." The rehabilitation counsellor is not taking the word of the employer. He has input from the employee as well.

The other thing is that he does make contact with the employer and says to the employer: This is the type of work you are going to be doing and, if anything comes up that changes the situation or that he has to stop work, please be in touch and I will be in touch with you.

Finally, of course, there is the situation where people are at work and presumably have not had a full recovery, when they stop work because of their disability or their injury, one of the first things many of these people do is phone their attending physician and make an appointment to see him again. The doctor should then certainly advise us and say: "I have now seen my patient again, the injured employee, and this is the situation." There are multiple sources that are used rather than just the employer.

Mr. J. Sweeney: One of the difficulties I have run into is that there is communication by phone but there doesn't seem to be any face-to-face communication. I challenged one person recently by saying: "Did you actually go and look yourself at the job that this man was expected to do because from the way it was described to me it was obviously too heavy, or did you simply accept the explanation of the employer over the phone?" It was strictly over the phone. There was no attempt for someone to get up from an office and go to the job site and take a look at it and make an evaluation. That is the kind of monitoring that I am wondering about.

Dr. McCracken: Was this the rehabilitation counsellor you are talking about, do you know?

Mr. J. Sweeney: Yes.

Dr. McCracken: First of all, let me say that one of the functions and one of the responsibilities of the rehabilitation counsellor in his area is to be knowledgeable as to the type of employers and the type of industry that is in the area. He should be knowledgeable enough in it to have visited every plant or every industry in the area at some time and be cognizant and aware of the types of jobs. Having said that, if it is a rehab counsellor who is knowledgeable along these lines and the employer says: "We will put him into such-and-such a job," I can well visualize that he would not make a visit to see what that job constitutes.

I mentioned the other day the case-loads of rehabilitation counsellors are still too high and something has to go. One of the things that has to go, if that is down here on priority —and it should be, because top priority should be seeing the man—then there are certain instances where the rehabilitation counsellor will not be able to get to the work place and take a look.

Mr. J. Sweeney: In a highly industrialized area like ours, I would respectfully suggest to you it would be almost impossible for any one or two people to know the various jobs. I just don't think it could be done. That would certainly be a suggestion I would like to make this year, Mr. Chairman, that something along that line be done. Of the six, I have one in particular where, from what I can see, he has just fallen between every set of chairs; he doesn't quite get here and he doesn't quite get there. I would just make the observation to you, I was talking to him just earlier today and finally, in desperation, he is going to go to a lawyer tomorrow because he feels he is getting messed up every way.

Could I stay at that same point and come at another way of looking at it? And I would ask your reaction to this. It strikes me, in the cases I have been dealing with and in this particular matter most recently, that the individual just isn't capable of getting another job all by himself. He's got psychological problems, physical problems, and he has a loss of self-esteem. Every time they come back to me they are not emotionally disturbed, but they are just about ready to break down.

I called both the Workmen's Compensation Board and the Manpower office and said: "Look, isn't there anyone there who could take a half a day and go out with this guy? If someone could go with him, introduce him to the employer, sit down with him, help him to get through the interview and to get through filling out the application, I think he could probably find a job." The answer I keep getting from both those sources is: "Look, we don't have the staff to do that. We agree with you it should be done, but we don't have the staff."

What occurs to me is happening is that these various government agencies—and it's not just yours—in their payments to these people, because they're not working, are probably spending far more money than what it would cost to hire a few more people to go around with them, again to be a facilitator. In other words, if you are going to have to pay something to a guy for a month or two months to keep him out of work, it would probably be a lot less expensive to pay somebody for half a day to go around with him and get him work. But nobody seems to be able to do it. Is it possible? Is it totally beyond the realm of possibility?

Mr. Starr: Certainly it is possible; it is a question of increasing staff and training them. It is not an instantaneous sort of thing, because they have to be highly trained people. I think you're quite right, and I agree. We are very perturbed about the fact that some of our officers have 100 cases each; they can't look after that kind of caseload. Our objective is to bring the caseload down to about 70 per man, and even lower if possible. This is something we have to take in hand and to provide that service.

Mr. J. Sweeney: For someone for this kind of a job—and, again, maybe I'm being naive —it strikes me that the right kind of attitude and the right kind of character or personality for meeting people are a lot more important than any technical skills. For example, it occurred to me at one time that students in a school of social work could do this on a part-time basis. Would you consider that? I can't see the wisdom of your full-time, highly qualified people doing this kind of work. I am looking at it as a lower-paying alternative. The guy just needs a friend to go around with him; that's all. I don't know whether he has to be very highly specialized or qualified to do it.

Dr. McCracken: I suppose one of the dangers with outside is that you get fragmentation of services. On top of that, we have taken a very careful look at outside contracting and, as you probably know, this

is a very short commodity; it's almost impossible to get outside contracting.

I might just point out that the rehabilitation counsellor function is not to sit at his desk and to be at the area office; his function is to be out on the road. What you are talking about does occur, namely that the counsellor does go along with a person to a prospective employer and does take a look at the job. But, as I mentioned before, there is the fact that the average counsellor is carrying a high caseload. Just as an update, we have driven it down from an average of 109 last year to an average of 91 for the month of October; so we are making inroads into the problem. Even at 91, in the opinion of Dr. Frei, and I had quite a long discussion with him just recently, he is a professor on the staff of the School of Social Work at the University of Toronto, Dr. Frei said, "I find that case load to be absolutely unacceptable in my opinion." And I said, "I agree with you totally, Dr. Frei."

[5:00]

Mr. J. Sweeney: I guess maybe I would just sum up that point by saying that the total amount of money may not be any extra if you just reallocated it in different ways. I am not suggesting you spend that much more. I have only one last question, and this is purely for my own information. I understand in the construction industry and we have both employees and self-employed subcontractors, and there is some dispute from time to time as to whether or not what could be classified as a self-employed subcontractor is in fact an employer or an employee as far as premiums are concerned. Could someone clarify that for me, because I have had a couple of questions and I must candidly admit I didn't know how to answer it? Apparently it was a dispute.

Mr. Greaves: Yes, the subcontractor in the construction industry is an employer providing he employs workmen. He is an employer in his own right, and he must report to the board and he has his own file. If the contractor works alone or in partnership and does not employ workmen he is then considered to be an employee of the principal for whom he is working.

Mr. J. Sweeney: So the distinction then, if I understand you correctly, Mr. Greaves, is that if he in turn employs others he is an employer?

Mr. Greaves: Yes.

Mr. J. Sweeney: If he does not employ others, but works in conjunction with a general contractor, then he is an employee?

Mr. A. G. MacDonald: In essence, what we are talking about is a labour-only contract.

Mr. J. Sweeney: I think that was the basis of the dispute, because this particular subcontractor wondered whether or not he should be so classified.

Mr. A. G. MacDonald: The problem is that these people change their category from day to day.

Mr. Chairman: Mr. Lane.

Mr. Lane: Thank you, Mr. Chairman. I wasn't going to ask for any time at all because of the shortness of the time, but there have been some very negative comments made here in the last few days, and while the last speaker, I wish to say, made some very positive suggestions, most of the suggestions I heard are just negative. I think it must be very demoralizing to members of the Workmen's Compensation Board and staff to sit here for three days and hear nothing but complaints while there are hundreds of thousands of claims that are being settled to the satisfaction of everybody.

I know for a fact that we have many dedicated people working on staff, and by and large these people do a good job and I think we should give credit where credit is due. We know there are problems, and I have been as critical as anybody else has about these problems, but there always will be problems because as soon as we get some resolved, others arise. We were talking about some suggestions made last year that have been done, and now the last speaker is making some suggestions of things we could do for another year. We know there will always be problems, but we just have to continue to try to get rid of these problems because any kind of delay in a compensation claim is a very serious matter. Yesterday, when the hon. Leader of the Opposition was talking about Elliot Lake, very much of what he said was the truth, but he really should have told the entire story. The problems of Elliot Lake are many in this field because the very nature of the industry that is there will give us a very high rate of compensation claims. Mr. Starr and other members of the staff know the large number of claims. Because of the very cosy situation which officials of the United Steel Workers at Elliot Lake and NDP club

at Elliot Lake have, I never get a request from the union to help with their compensation claims.

Mr. Laughren: You had your chance.

Mr. Lane: They always come to me through somebody else after they have been handled by the union and not handled satisfactorily and so forth.

Mr. Warner: They have learned by experience.

Mr. Chairman: Order please.

Mr. Lane: So really, Mr. Chairman, what I want to say is that while we hear so much about their great concern over delays in claims, they really have no great concern about what is delaying a claim providing this has some political marks in it for their party.

Mr. Wildman: Come now.

Mr. Bain: Oh, no.

Mr. Lane: I have it on the official record. I put it on the official record upstairs. This shouldn't be the case but it is a fact. A letter from the NDP club was circulated to every household in Elliot Lake telling them not to use the elected member but to use some NDP elected member to handle their claims. If that isn't delaying a claim, I don't know what is.

Mr. Bain: On a point of order, the Conservative candidate in St. George did exactly the same thing.

Mr. Lane: Same as that letter typed there?

Mr. Bain: Yes. It said if you had any problems, not to go through your Liberal member; go through your Conservative representative in St. George. Ask her about that.

Interjections.

Mr. Lane: You shouldn't be very proud of that kind of a letter and it's really delaying a claim.

Interjections.

Mr. Lane: Could I have a moment, please? I haven't been on before. We hear a lot about the Gus Frobel case and Gus is a great guy. He's done a great deal for his fellow workers, but you people won't believe that I was involved in his claim back in 1971. I have letters from my file to back it up.

It's too bad you couldn't make some constructive criticism to the board. The board has been here for three days and Mr. Sweeney made some very constructive suggestions a few hours ago but those were the first I have heard all the time I have been sitting here. I think it is a damn shame that we ask the board to come here and listen to the kind of crap you people shoot at them hour after hour, with no basis of truth in it. Thank you, Mr. Chairman.

Mr. Laughren: That is the single most offensive statement I have ever heard a member of the Legislature make.

Mr. Lane: I'm glad you are offended. The cap must fit—if it hurts you, the cap must fit.

Mr. Laughren: Anybody from Elliot Lake who can sit there on the government side and justify what the board has done in Elliot Lake has more nerve than Dick Tracy.

Mr. Warren: It's more than nerve—that's sad.

Mr. Laughren: It's sick; really sick and offensive. Do you know that?

Mr. Lane: I didn't say that at all.

Mr. Warner: What an apologist!

Mr. Wildman. In relation to what the member for Algoma-Manitoulin has just said, I have a few general comments about the board and its operation, and some problems I see with it.

The case I'm going to deal with, I'm not going to deal with in specifics; I realize the time problems we have. It deals with a problem which is very similar to the problems in Elliot Lake and it's interesting that they have come up now. I want to read two letters received by a miner who lives in my riding. The first letter is from the Ministry of Health and it is signed by a Dr. F. Dubsky; I think that's the correct pronunciation. It says:

"I have reviewed your chest x-ray taken on March 16, 1976, and must advise that you have been denied a miner's certificate for employment in the Ontario mining industry. A surface card has been issued which enables you to work in non-dusty surface work."

Now, non-dusty surface work.

"In my opinion your x-ray appearances are such that you would be well-advised to quit mining altogether."

This is in northern Ontario; he lives in a mining community.

"Further, I would recommend that you should file a claim for silicosis with the Ontario Workmen's Compensation Board. This would ensure that you are x-rayed at regular intervals even if you are not in the mining industry. I have sent a copy of this letter to your physician" and so on.

That was March 30. On September 17, 1976, the miner received this letter from the Workmen's Compensation Board:

"Your claim was instituted upon receipt of a submission from your union stating that you had been removed from your job as a cage-tender because of apparent chest condition, although you have not been notified of any condition by the board."

He was notified by the Ministry of Health but he wasn't notified by the board.

"There is also reference that you had not worked in a mine for seven years and as a result of an x-ray taken in March this year, the mine was notified to remove you from the underground area."

I won't read the whole thing but it goes on:

"The reports received from your attending physician indicate that there was evidence of silicosis and you were advised to stop working in the mine. The last chest x-rays taken March 16, 1976, indicate that you did suffer some signs of dust effects."

Remember that with the chest x-ray they are talking about, the Ministry of Health doctor had indicated he should file a claim for silicosis.

"As you no doubt recall, arrangements were made for your examination by the advisory committee on occupational chest disease. This examination took place on March 18, 1976. They revealed that you suffered from changes in two sections of your lungs, which are clearly not the result of any occupational exposure. There was no evidence of any radiological silicosis at the present time. The recommendation was that your claim not be allowed as there is no evidence of silicosis."

These two letters go together. It's really hard to believe. "It is also noted that unfortunately you allowed your miner's certificate to lapse and on reapplication the provincial chest clinic would not reissue your certificate due to x-ray findings."

The interesting thing about this is if this miner had not inadvertently allowed his miner's certificate to lapse, even though the Ministry of Health had found on his x-rays evidence of silicosis such that he should not go back underground, he would not have been able to be prevented from going underground because he would have had a miner's certificate, and he would have gone back underground because this man needs the money. In a way, luckily for him health-wise, but unluckily economically, he let his miner's certificate lapse, so the Ministry of Health would not let him go back underground, but the Workmen's Compensation Board sure would have let him.

Then it finishes off: "The claims review branch, having carefully considered all evidence on file, especially noting the recommendation and findings of the advisory committee on occupational chest disease, must inform you that entitlement under the terms of the Act has been denied as there is no evidence of silicosis."

The member for Algoma-Manitoulin (Mr. Lane) wonders why people get frustrated and why there has been so much criticism. The minister, who is not present, unfortunately, challenged me to produce two letters in the House when I mentioned this case before. I have produced them; here they are. The Ministry of Health tells this man he should not go back underground because of chest defects in his lungs and that he should file a claim for silicosis. The Workmen's Compensation Board examines the same man and admits he has chest defects, dust effects, but says there is no evidence of silicosis.

Mr. Starr: Mr. Wildman, did the Workmen's Compensation Board examine it or is it the advisory committee in the Ministry of Health which says there isn't? The Workmen's Compensation Board doesn't say that. Based on the Ministry of Health advisory committee, the review committee says there is no evidence. It's not the Workmen's Compensation Board which says it.

Mr. Wildman: I'm not going to get involved in that. What I'm saying is that I'm talking about this man and I'm not talking about agencies. What I'm concerned about is the fact that one agency advises this man because of his health to do certain things. It advises him to file a claim for silicosis with the Workmen's Compensation Board. Whoever is responsible then advises the Workmen's Compensation Board that this man should not receive compensation. If he just hadn't inadvertently let his miner's certificate lapse, he would be underground right now.

Mr. Starr: Mr. Wildman, would you be good enough to give us the claim number of that?

Mr. Wildman: After this session is over, I'd be glad to. I have other miners in my riding, and I'm not going to go into the details, who were careful to keep their miner's certificate renewed. They have been told by the chest clinic that they shouldn't go back underground. I fully recognize the responsibility of the individual miner, but I

point out that it is very difficult in a mining community in northern Ontario for one to find other kinds of work. It's very difficult even for the companies to find light duty work above ground for as many men as may need it, so they are still underground. You ask them: "What about your disease? You're going to get worse." They say, "Well, if I get worse maybe the Workmen's Compensation Board will then provide me with compensation." That's hardly in the interests of the individual or his family and it's very frustrating for me. As I said, I'm not talking about individual cases; I just use that one because I had the two letters there as an example.

[5:15]

I think it's very unfortunate if we have a situation where people are in a pre-silicotic condition, they're told they can't get compensation, they're advised not to go back underground but they do end up back underground because there isn't any light duty available to them, without a loss in pay at least, and in many cases there isn't any light duty available.

I hope that this new department under the Ministry of Labour dealing with occupational health and safety will really be able to change that situation. It's very tragic when you meet a man who has worked in mining all his life and knows nothing else and probably has very little education, who goes back underground when he shouldn't because of his health, but he doesn't have any other income.

I'm concerned about what many members have brought up today concerning rehabilitation. By the way, before I go to rehabilitation, there's the same situation I've run into in a number of cases with regard to hearing loss. Patients are told by their doctors that they shouldn't continue working in the environment that they've been working in because it's affecting their hearing—or they feel that it may be affecting their hearing—and yet the board, after it analyses the amount of hearing loss in one ear as opposed to the other, comes to the conclusion that it's not compensable.

Basically, what happens usually is that the worker then goes back into that work place and is told to have his position reassessed in the future, and he goes regularly for hearing tests and eventually he may be compensable. But what you're really doing is you're telling the fellow—and I don't mean you particularly as the board, I mean the whole process is telling the fellow—go back there, get worse, then come back and see us, maybe we'll be able to help you some time in the future. And that's very—

Dr. Jacobs: Excuse me, Mr. Wildman, these particular claims, the hearing claims, are really solely based on the expertise of the doctors whom the local doctor may send them to. Say, for example—Sudbury is a classic example—Dr. Pearsall, Dr. Andrews. It's on the basis of that expertise as to whether they've got compensable loss or not, subject maybe to further tests under highly specialized techniques in Toronto, particularly Dr. Alberti's.

But if the man has a condition that is really injurious to himself by continuing in that work, it has been my experience that most of these doctors, these specialists, will tell him that to return to that type of employment without protectors, muffs, plugs and so on—

Mr. Wildman: Oh, they're wearing muffs.

Dr. Jacobs: Excuse me—would be harmful to him. I really don't know where you draw the line, that's really the problem.

Mr. Wildman: I'm not going to get drawn into specifics, but I can point to one individual in my riding who has poorer hearing than co-workers who are receiving small pensions for compensation for hearing loss. He isn't receiving any and he can't hear as well as they can.

Dr. Jacobs: I can appreciate that, because maybe the origin of the condition is completely different.

Mr. Wildman: That may be, but I'm sure that the environment that has caused the hearing loss in the other gentlemen whom he's working with—

Dr. Jacobs: I'm just trying to explain it to you.

Mr. Wildman: —can't be too helpful to his hearing condition.

The other thing I want to get into, just briefly, is rehabilitation. We've heard here today and yesterday there just aren't enough rehabilitation officers and that their caseload is too high. I certainly can testify to that.

I'd like to know how many rehabilitation people you have in Algoma district.

Dr. McCracken: In Sudbury, there are three rehabilitation councillors; Timmins, one; Sault Ste. Marie—

Mr. Wildman: Just a moment, I asked for Algoma district. Sudbury and Timmins are not—

Dr. McCracken: There are two.

Mr. Wildman: Two? One is in Sault Ste. Marie; where is the other? Are they both in the Sault?

Dr. McCracken: No, there's one in Sault Ste. Marie and one in the Timmins area.

Mr. Bain: That's not in Algoma.

Mr. Wildman: Does he serve the northern part of Algoma, the fellow up in Timmins? I understand you have one officer for Algoma and he's in Sault Ste. Marie.

Mr. Starr: Who's that? Melnek?

Mr. Wildman: Mr. Melnek.

Dr. McCracken: There is one in Elliot Lake on a temporary basis too.

Mr. Wildman: Okay. I really sympathize with Mr. Melnek in his job, because he's got a very large area to cover. It takes up a pretty huge chunk of this province really. If you were to superimpose the map of his area on southern Ontario, you'd have quite a geographic area. I admit he has fewer people there, but he's got an awful lot of driving and an awful lot of travel to get to one case, as compared to a rehabilitation officer in southern Ontario. I really don't know whether he can adequately do his job because of the case-load he's got and the distances he's got to deal with. To an extent, it appears to me that quite often, because of the large amount of work this individual has, basically when he comes to try to get involved with vocational rehabilitation of a workman, it doesn't become much more than just a Manpower position where he advises the person to go and look for a light job. He tries to help him if he has the time, but basically the person has to find his job himself.

Often it seems to me that the individual who needs vocational rehabilitation, if he's willing to take retraining, has to find a job that he could be retrained for before he can get the retraining. These jobs, especially for men with little education, are few and far between in northern Ontario.

I'd like to know, and you've mentioned this briefly, what liaison you have with vocational rehabilitation in the Ministry of Community and Social Services. It seems to me we've run into a couple of problems where an individual wants retraining, wants to be upgraded so he can do perhaps a lighter job that requires more academic qualifications or more technical qualifications or whatever, but that the vocational rehabilitation people in the Ministry of Community and Social Services can't do anything for him because he's on Workmen's Compensation. There seems to be a conflict there and there doesn't seem to be much co-ordination going on. I'd like to know what the reason is for that.

Mr. Starr: I don't know whether Dr. McCracken is aware of this or not.

Dr. McCracken: Of conflict?

Mr. Starr: This is in the north section of Ontario.

Dr. McCracken: First of all, we take into consideration the geographical commitments in developing the case-load. In other words, for councillors in the Sault area, in the Timmins area, places like this where they have large distances to cover, their case-load is dropped. It will vary from month to month, but as of October Mr. Melnek had a case-load of 50, and this can be compared to one of the case-loads in the Sault, for instance, which was a case-load of 114 in October, which was high for the month, but it gives you the idea that there's the spread built in. It is still too high, but we—

Mr. Wildman: He covers Hornepayne. That's 260 miles north of the Sault.

Dr. McCracken: That's right, it's still too high, but what we do is allocate the rehabilitation counsellors, taking into consideration the geographical distances they must cover. As a matter of fact, it's my understanding that the manager in charge of allocation currently is taking a look at the area to see whether or not the time has come when we have to add another counsellor in there to spread the load out.

You come down to Metropolitan Toronto, for instance, and their case-loads are running 126, 134, 124, 138, so that, yes, they do carry a much higher case-load but they are compacted geographically, so we build this in.

As for conflict with the other agency and their rehabilitation services, I know we certainly have looked into this because we wanted to avail ourselves of any help they could give us. They control their case-loads. How they do it, I don't know but they do. They establish what case-loads they are going to have and the figures that we obtained were that they run to case-loads of about 35 to no more than 45 on a concept of nobody gets on until somebody gets off. As you can appreciate, we can't do that. If somebody has to come under the care of a rehabilitation counsellor, we can't say "Wait until we get

rid of one case." We have to take them as they come.

Mr. Wildman: In the case of the vocational rehabilitation officer for the Ministry of Community and Social Services in Sault Ste. Marie, we described the situation of the individual to him and he was all ready to go and look at it. Then we told him this person was on Workmen's Compensation and was attempting to get vocational rehabilitation from the Workmen's Compensation Board. That seemed to throw a roadblock into this gentleman getting involved with this case and helping us. I don't really think that should be the situation.

Dr. McCracken: Certainly if he could take on a case, I can't see any reason why this can't be brought to the attention of Mr. Melnek.

Mr. Wildman: Also I'd like to know what co-ordination you have with northern affairs offices in northern Ontario. Another individual in my riding who wanted to get retraining wondered whom he should contact in his town to get him in touch with the vocational rehabilitation people for the Workmen's Compensation Board. He went to the northern affairs officer and asked him if there were any forms he should fill out or anything that should be mailed in and so on. The northern affairs officer said he had nothing of that kind at all and put the gentleman in touch with me.

Mr. Bain: That was all right. He knew who to go to, anyway, for the right information.

Mr. Wildman: I'm wondering, do you have materials in the northern affairs offices to help the northern affairs officers get these people in touch with the vocational rehabilitation people? Mr. Melnek is centred in Sault Ste. Marie, and he's got a wide area to cover. Surely you could make use of the northern affairs offices in the other towns and ridings.

Dr. McCracken: They are in contact and they do have dialogue. One of the stipulations is the counsellor must be ready to assist the injured worker in dealing with other agencies, particularly Canada Manpower, along with Canada Pension, unemployment insurance, Army Benevolent Fund, credit counselling and many other agencies. They are in contact and, as a matter of fact, at one stage of the game I believe we were occupying part of their premises.

Mr. Wildman: Do you have the whatever forms and everything that is necessary? Are they in the northern affairs offices for the northern affairs officer?

Dr. McCracken: No forms are required, just a request.

Mr. Wildman: Then it must have been a slip-up on the part of the northern affairs officer. One other thing, for the benefit of the member for Algoma-Manitoulin, which leads to some frustration with the workings of the board is what appears from the outside to be inefficiency on the part of the board.

I've run into cases where they have lost files. I've got them all stacked here but I'm not going to bore the committee with the details of each one. If an official of the board wants to question me on them, I'd be glad to talk to him afterwards. I've got them all here. They can't find the file, they can't locate the file. I think every member who's ever contacted the board has run into that. I've run into many cases where constituents have phoned me, not just once but a number of times, where they didn't get their cheques on time. I've a couple of individuals in my riding who live a long way from Sault Ste. Marie, who are taking physiotherapy. They have to travel from their home to the Sault on a regular basis and get travelling expenses from the Workmen's Compensation Board.

I have one individual who had to contact me four times in the space of about eight months because he didn't get his travelling expenses paid. When we contacted the board he got them. The board said, "there's an error" and now he's getting them. He's getting them all now. Those are the kinds of things which lead to frustration and to people feeling that the board really isn't operating the way it should.

[5:30]

There's one other thing I really would like to get an explanation for. It was stated yesterday, I understand, that when a worker's position is being reassessed—that is, to determine whether or not he's disabled, what his disability is or whether it's a permanent disability—his benefits are not cut. I've had cases in which they were. I've had cases in which the person was cut to 50 per cent while he was being reassessed.

I had a case phoned to me yesterday, coincidentally, by an individual who is now at the Workmen's Compensation hospital. He has had his benefits cut off until they make a decision at the Workmen's Compensation. At least, he had been cut off. He complained and finally got one cheque and they now

tell him he's paid up to December 13. He questions that because there's a two- or three-week period in between when he didn't receive anything. He got one week's cheque.

If you're not supposed to cut someone off when he's being reassessed, why is it this happens?

Mr. Starr: I have no explanation because each one has its own peculiar situation—each case, each claim; that's my experience at least.

People phone me from all over Ontario about their cases saying, "My cheque is late; can you find out what's wrong with it?" I try and most of the time it can be corrected but each case, I find, whether it's a letter a personal visitation or what it is, is different. You can't give one explanation to cover them all.

Mr. Wildman: That's where, to an extent I think, our disagreement lies. The board, I think, quite conscientiously and seriously says, every time a member brings up a problem, "Give us the claim number. We'll look into it and we'll resolve that situation." I think that is commendable but what you're doing is looking at each case as an individual aberration and I don't think it is. There are too many similarities between too many cases for them all to be individual aberrations.

You have too many cases in which cheques are delayed. You have too many cases in which people are cut when they're not supposed to be cut. I think there's something generally wrong. That's the difference between the position of our party, I suppose, and the position of the officials from the board here and the position of the ministry. If it were just one individual case or even a few of them which were unique then I'd agree with you but I don't.

Mr. Starr: I would like to be in the position, along with the rest of the board members and the staff of the Workmen's Compensation Board, of having 427,000 cases per year go through without a flaw, without any error. Everything would be punctual and all the cheques would go out on time and every letter would be acknowledged and answered and every problem brought to us would be done quickly.

That would be a very ideal situation but, believe me, I find it's impossible to have it. The Workmen's Compensation Board will continuously try to minimize every problem it has now but we'll always have problems. We'll always be in that bit of trouble, so to speak, with people who are dissatified.

We reject seven per cent. They're not satisfied, and a person who is assessed for 20 per cent total permanent disability is not satisfied. He feels he should be 50 or 40; and if he's 50 he feels he should be 70 per cent. That's human nature; this is what we're up against.

Mr. Wildman: I think that really what we are dealing with is a little more than that. I think we're dealing with the whole question of the benefit of the doubt which relates to the first thing I mentioned—those two letters, the man with or without silicosis depending on who you are talking to. Certainly he's got a problem.

I'll give you another example of an individual who hurt himself on the job, lifting something. He didn't think it was serious so he didn't report the accident immediately. He should have, I suppose, but he didn't. He continued working. He came to work the next day, worked for a short time and found that it was bothering him so much he had to go home, so then he reported it. I ran into a situation where I had to phone the board and write letters to the board and so on because the board said he didn't report his accident immediately. They said, "He must have hurt himself at home last night, before he went back to work."

Mr. Starr: Someone at the board said that?

Mr. Wildman: No, that was suspected. They never said it, but it is obvious from the attitude they took that as he wasn't hurt one day and he was hurt the next day, it had to have happened in between.

Mr. Starr: I think you are over-assuming.

Mr. Wildman: The interesting thing is that after a lot of investigation we presented the names of co-workers who were willing to testify that he had hurt himself, who were willing to say that he had complained about the pain overnight and the next day, when we finally got that information to the board, they said, "Yes, that's right, he is entitled," and he got his benefit.

This man is now back to work. It was just a temporary thing. I think the board probably spent more money trying to find out whether the guy really hurt himself on the job than they would have if they had just given him the benefits—

Mr. Bain: Benefit of the doubt.

Mr. Wildman: —that he was entitled to eventually. I don't know that but I—

Mr. Starr: Mr. Wildman, I wonder if Mr. Kerr could say something on this?

Mr. Kerr: The situation that you have described, Mr. Wildman, is one that does call for investigation. In that case it turned out that we were able to pay him compensation, and indeed it took time to investigate it. But when an injured workman doesn't report his accident right away and there is a long delay in reporting, the employer's report of accident comes in saying that it wasn't reported to them within a reasonable period of time and perhaps the injured person's report indicates there are no witnesses. We have to inquire to try and get information to enable us to allow that claim within the terms of the Act.

A case like that is one that does require inquiry and sometimes a local field investigation. This is one reason why in all our seminars we encourage union representatives and employers to get involved in encouraging their employees to get first aid promptly and to report accidents promptly, because we admit that when there is a delay in reporting accidents it does create a delay because inquiries are necessary.

It is not that we doubt the man. If we doubted the man we would probably have rejected the claim in the first instance, without going to all the trouble of making inquiries. But we are obliged to make inquiries to get information to try and bring him within the terms of the Act.

Mr. Wildman: I should point out one thing—initially the claim was rejected. It was only after we got involved that it was changed.

Mr. di Santo: That doesn't happen all the time, you know that.

Mr. Wildman: There's another thing that makes me wonder about the efficiency of the board. I was just told yesterday as a matter of fact by a constituent of mine who had written a letter to the board on October 7, he sent us a copy which we received on October 12 with his claim number in it and describing his problem and wanting some action, this individual has yet to receive any kind of answer from the board. He hasn't even received an acknowledgement.

Mrs. Campbell: Better check to see if they found his file.

Mr. Wildman: He told me yesterday he was still waiting for an answer from his October 7 letter. That leads me to the final two things I want to say before I finish here. One is, I've got a particular problem in my riding, and I am sure this is a problem throughout the province, in that in my riding there is a unilingual French-Canadian community, Dubreuilville, which is a company town; Dubreuil Brothers Lumber Company. The board insists on sending correspondence to people who live in Dubreuilville in English.

Mr. Bain: Sounds typical.

Mr. Wildman: I think only three or four people who live in Dubreuilville speak good English. A lot of people are semi-bilingual. The company officials certainly are. But the language that is used every day by everyone in Dubreuilville, except when they are talking to somebody from outside of town, is French. I have on many occasions written to the board or phoned the board and said, "Please send whatever correspondence you send to this individual in French." And they still get them in English.

Mr. Bain: They've lost the French letter.

Mr. Haggerty: It works the same way if you are dealing with any government agencies in Quebec. If I write in English, I get a reply back in French.

Mr. Bain: Even under the Liberal government in Quebec.

Mr. Wildman: I am not involved in Quebec. I am not a federal politician. It seems to me that when you are writing to a person about sometimes complicated decisions—if I could have the chairman's attention—describing reasons for a decision on a case to somebody who is unilingual, or speaks very poor English, you should send it in his mother tongue, especially when his mother tongue is the second official language of this country—or the first, depending on which way you look at it.

I find it rather amazing. I can think of one particular case where a gentleman received something in English and his friend, who could speak English, phoned me up and said: "Look, I had to read this to this person and try to translate it." And this person wasn't a professional translator; he was a lumberjack and he may not have understood all the terms in the letter. He said: "Please make sure, if they send him another letter, that they send it in French." I phoned the board, and they said, "Yes, we will send it in French." Two weeks later I got another call from this person, saying he had just received his letter again but it was in English.

Sometimes the men or women who receive these letters are asked specifically to do things, and they are required to do them at certain times; if they don't understand it and lose their benefits as a result, it is hardly their fault.

Mr. Starr: I agree.

Mr. Wildman: I don't understand why you don't make a policy of ensuring—at least for my sake—that every time you have to send a letter to Dubreuilville, please find out if the guy can speak English before you send him a letter. Just remember the name, Dubreuilville; it is not on any maps, because it is a company town, but it is a unilingual French-Canadian community in my riding. Please make sure that you send it in the language that the individual can understand.

Mr. Starr: May I just say that it is a basic principle in our organization at the Workmen's Compensation Board that if we receive a letter in French, we reply in French. There is no question about it. But I can foresee the difficulties with a new claim, where there has been no correspondence with that individual whatsoever. If we are corresponding with an individual named Richard, say, how do you know whether he speaks French or English? Do you phone this person and ask him whether he is French or English?

Mr. Bain: Put Dubreuilville in your computers.

Mr. Wildman: I have already told you that nearly everybody in Dubreuilville speaks French.

Mr. Starr: You've got a real problem there. But believe we want to—and, as a matter of fact, our staff speaks fluently in 35 different languages; we are pretty multilingual.

Mr. Grande: Do you really?

Mr. Reid: None of which is Italian, Tony.

Mr. Wildman: There are two small things I want to say here. First, I understand that the United Steelworkers of America, local 2251 in Sault Ste. Marie, has a permanent compensation safety and health committee chairman who handles claims, not only from people in local 2251 but from people in the area between Sault Ste. Marie and Elliot Lake and Wawa who may work at any number of different industries. It has become known that if you need help, go to local 2251. This office, as a result, has to spend a lot of time writing letters and phoning the Workmen's Compensation Board. They found that in order to get any decent answers—and they do get their answers more quickly—they phone Toronto directly rather than phoning the Sudbury regional office, because Sudbury really doesn't know what is going on. As a result, they have a big bill. They wrote the Minister of Housing (Mr. Rhodes) and the Minister of Labour requesting that perhaps a regional office might be set up in Sault Ste. Marie. But they made it a point that they wanted one that could give them answers, not like the one in Sudbury where they always had to check with Toronto which then would give them an answer.

[5:45]

They received no reply, I understand, from the Minister of Housing nor from the Minister of Labour. So they contacted Mr. Lupusella and myself and pointed out the number of calls they made and so on and wondered if we would bring it up. I am bringing it up here to suggest to you that besides increasing the number of your vocational rehab people in the Algoma district and bringing in some kind of co-ordination with Community and Social Services in that area, you might be looking at the whole idea of a regional office in the Sault. But again, we don't want just an information office, we want one that can actually do something.

I said I wasn't going to get too specific, but there is one thing I want to bring up before I finish. It is the only time I am going to get specific on one case.

This morning I received a copy of a decision by the appeals board where I represented a constituent recently in an appeal. This is claim 10145178 in which we had presented some evidence. We had used the evidence from the summary of information of the Workmen's Compensation Board radiologist's report in which he analysed x-rays taken on March 31, 1975. These x-rays showed severe distending of the C6 and C7 motor units. It is my understanding that this would probably have occurred over a long term and would have to be the result of an injury. That is the information I received from medical advice anyway.

In the decision they denied the appeal. The appeal board notes a statement by Mr. Parisee to the claims information specialist in September, 1975, wherein he indicated that he had made a full recovery from each of his previous compensable disabilities.

The appeal board also notes that x-rays taken by the orthopaedic consultant in February, 1967, showed degenerative disc dis-

ease in the cervical area. In this case, in other words, they are looking at the x-rays taken at that time and also the statements made by the worker over the x-rays taken March, 1975. They state here: "With respect to the symptoms manifest in March, 1975, the appeal board concludes that in the absence of medical evidence supporting the relationship with previous industrial accidents and having respect to a non-compensable accident of March, 1975, the appeal board accordingly concludes that a relationship has not been established between the lost time and the treatment commencing" on such and such a date.

I would really like to know why the symptoms manifest, as they say on March, 1975, were ignored in this decision?

Mr. Starr: Have you any comments to make, Mr. Reed?

Mr. G. W. Reed: Not without looking at the decision.

Mr. Wildman: I have it right here. I'd appreciate it if I could get some information on that specific case. I want to point out that my main purpose in appearing here and making my comments before the committee was not to bring up specific cases but to point out why there is frustration with the Workmen's Compensation Board in its administration of benefits, in its rehabilitation programme, in its analysing and assessing of disabilities and in general its whole approach to the injured worker in Ontario.

I find it very frustrating on my part. If it is frustrating for me, it is far more frustrating for the injured worker who feels that he hasn't got justice. If the member for Algoma-Manitoulin doesn't understand why people have levelled such criticism against the board over the last two or three days, I hope some of the points I have brought out indicate to him when he reads the transcript why there is such frustration with the board. As to the specific answers, if anyone here wants to get information from me after I'm finished I'd appreciate it.

Mr. Reid: I'll be brief. I don't know what time, if ever, we are going to finish here. I want to say that I have been frustrated with the board. I have written to the chairman and you have been kind enough to reply.

One of my frustrations has been with the file I have here on one particular gentleman —you can see how thick it is—and perhaps the facilitator referred to earlier will avoid this sort of thing. This file goes back to July 4, 1974, and the last letter was on November 30, 1976. It is on the same case and it seems to me that perhaps this will be cleared up.

I have two specific concerns. One is I would like to know how the medical staff, particularly at Downsview but perhaps in other areas, arrive at getting or suggesting a psychiatric assessment of a workman? On what basis is that done?

Dr. McCracken: On what basis is there a consultation with a psychiatrist?

Mr. Reid: Dr. McCracken, what has happened, as reported to me by some people in my area, is that they have come to Downsview particularly and out of the blue are sent for a psychiatric assessment. They are given about 30 minutes with a psychiatrist and they don't understand the reason for it or what it is. They are upset when they get there and then they are given the impression, perhaps wrongly, that really they are not physically incapacitated but they may be a little off their rocker. What I would like to know is how do you arrive at giving these people a psychiatric assessment and why?

Dr. McCracken: Just one other question. Do you know if these assessments are carried out in the hospital or are they sent to outside consultants? Do you know that detail?

Mr. Reid: As far as I am aware they are done in the hospital.

Dr. McCracken: Okay. At the hospital we have a number of part-time psychiatric consultants; we do not have any full-time psychiatric people on staff. We feel it is better to employ outside psychiatric consultants who have their own private practices and who will be prepared to devote a half day or two or three half-days per week to the hospital. We feel this is the best way to go with the psychiatric staff because this allows us to feel they will approach the problem as independent physicians which, indeed, they are.

What will happen is that a person being admitted to the hospital comes under the treatment team concept I have evolved over the past two years. It existed prior to then but we have refined it because we feel that everybody involved in the treatment of the case, of the person, should have opportunity to have input into it—the therapist; the nurse; the rehabilitation counsellor; the physician; and so forth.

What happens is that after the person is admitted and the history has been taken and after that person has been started on a treatment programme, this treatment team sits down and evaluates what the problems are

with this person as soon as the team can identify them. The name of the game is to identify the problems the person has which is just as important as making a diagnosis at that stage of the game.

Having done this, if they identify a problem which may be related to an emotional factor—even if they can't be certain that all that is wrong is that the person is uptight about the whole situation—if they feel that a psychiatric consultation will help them to resolve this problem area they will arrange it internally and have it carried out.

The rule which they operate on is that they inform the patient about his treatment. In other words, first of all, I would say I find it very hard to imagine that any of the treatment staff would say, "There is really nothing wrong with you except you may be off your nut," because I really don't think any of the treatment staff out there use that approach.

The other thing is they are supposed to involve the patient in the treatment—namely, "We are going to have you seen by a psychiatrist. This does not mean we think you have any mental problem but we think this is part of the investigation we would like to carry out." I suppose it is quite conceivable, when a person is sitting there and is being told this, that what he listens to might indicate when he starts to recollect, "My gosh, maybe they think there's something wrong with me mentally." But it is explained to each person quite carefully.

Mr. Reid: I would beg to differ with you. When somebody comes down to Downsview he is usually upset to begin with and has problems when he gets there.

Dr. McCracken: As upset as anybody going to any hospital, I would say.

Mr. Reid: With all due respect, from the feedback I'm getting, whoever is responsible is not explaining fully to these people what the nature of the psychiatric examination is all about. The impression that the injured workman has is that the people at the hospital feel that he is off his rocker and that that's his problem. This hasn't happened in just isolated incidents; it's happened to everybody. Are you telling me that everybody automatically receives a psychiatric assessment when he goes to Downsview?

Dr. McCracken: No.

Mr. Reid: How do you pick and choose who gets it then?

Dr. McCracken: The treatment team is the group that decides. It's not the doctor alone, it's not the occupational therapist alone, it's no one person alone. It's a team recommendation. By no stretch of the imagination does everyone who goes to the hospital have a psychiatric consultation.

I have the figures here somewhere as to the number—if I can find it, I'll get back to you—but a minority of the patients at the hospital require a psychiatric consultation. In many instances they receive consultations from the orthopaedic surgeon who is at the hospital before they get a psychiatric consultation. In many instances, they are seen by a neurologist at the hospital before they get a psychiatric consultation. It's not that they come in and the first thing that happens is they have a psychiatric consultation.

Mr. Reid: Can I suggest that perhaps you might improve your consultation at least with the people there so that they are aware of what it is, because in our society today people hear the word psychiatrist and they draw the obvious conclusion?

One other thing, if I may, I have a letter here from a constituent who was examined by a doctor who is not employed directly by the board but does work for the board. This particular woman was interviewed and was treated by this particular doctor. The doctor tape-recorded the interview and the consultation with that particular woman without first of all telling her that he was doing so and without her permission. Is this a normal procedure and if so why is this being done? It is a normal procedure, I gather.

Dr. McCracken: No, it isn't. If I might speak to this, I'm not going to mention names, but I certainly will if you want me to to identify the doctor, because I think I know who the doctor is and he is a pretty renowned surgeon. I don't know whether you brought this to my attention or someone brought this to my attention. It was some time back. Being a rather blunt person, I got on the phone and said: "What are you doing, taping the interviews which you are having with your patients?" He said: "What do you mean?" I told him and he said: "What I do, as part of my routine, is that as I am taking the history I am dictating the history into my dictaphone at the time because I find that this in hindsight allows me to put down information that otherwise I might forget and which I think might have a bearing on the case. I can see where the occasional person will misconstrue what I am doing, but what I am doing, while I am taking the history, I

will pause and I will dictate the history into the dictaphone." He is not tape-recording the patient, he is tape-recording himself.

Mr. Reid: I gather that this renowned doctor also has a bit of a vile temper on occasion as well. According to the letter from my constituent, she felt very poorly and badly treated. The response that I got from somebody at the board was that the doctor was probably in a vile mood that day.

[6:00]

It seems to me that when they are treating these people that is not the kind of attitude they should take. These people have enough problems already without that kind of thing.

No doubt this gentleman in question is very competent at what he is doing but if her word can be taken, and I am sure she was upset as it was, he really gave her a bad time.

Mr. Starr: To be helpful to you I guess, Dr. McCracken, with respect to this doctor, should he not also be asked if he would not tell the people or explain prior to his interview that this is going to be done so that they would be well aware of this?

Dr. McCracken: When I was talking to him I suggested he was probably going to have to do this or his nurse was going to have to do it. As I say, he has a large volume of consultation cases going through his office and he was quite surprised when I brought this to his attention. He said, "This is the first time I was ever aware that anyone would think I was taping what they said."

Mr. Starr: Before we recess or the chairman calls us to recess, I have heard throughout this third day about circumstances at our office and at the rehabilitation centre. Mr. Reid—I'm glad you spoke now—came in one day to our head office and spent at least three hours or so there. He went through the building but I don't know whether it was helpful or not.

Mr. Reid: Yes, it was.

Mr. Starr: I would extend an invitation to each and every member of this Legislature, whether you come individually or in groups, to come and get some inkling of what is going on; a tour of explanation through our head office and, particularly, Mr. Bain, our rehabilitation centre. If you would come and see with your own eyes what is being done there—

Mr. Bain: I haven't spoken yet.

Mr. Starr: No, but you mentioned a moment ago that things aren't going too well there. We'd be glad to have you at your convenience. We will make arrangements and have people explain the process to you; you will be able to speak to the people there who are going through the process—

Mr. Bain: I would be more than happy to, if you and especially the Minister of Labour will reciprocate by coming to the riding and meeting the injured workers who can't get their claims through the board. I think the exchange would be very useful.

Mr. Starr: I will welcome any kind of communication with your people. Just let me know and I'll explain it to them.

Mr. Bain: We'll arrange an exchange, okay?

Mr. Chairman: Is the committee willing to meet again at 8 o'clock?

Mr. Haggerty: We have a resolution we have to deal with. We should set a time—

Mr. Chairman: I understand the House is going to rise at 10 o'clock.

Mr. Bain: We can always come back at 7:30.

Mr. Haggerty: No, the House is sitting straight through, I understand, so we're going to have to be working in shifts.

Mr. Chairman: We will meet again at 8 p.m.

The committee recessed at 6:03 p.m.

APPENDIX D

Standing Resources Development Committee

THURSDAY, DECEMBER 16, 1976

The committee resumed at 8:05 p.m.

THE WORKMEN'S COMPENSATION BOARD
(concluded)

Mr. Chairman: It is past 8 o'clock, and we do have a resolution before the committee as well as several members who would like to speak. I am just wondering if Mr. Bain would like to lead off and then we could possibly go into the resolution and discuss that, because you indicated to me that your speech wouldn't be too lengthy.

Mr. Bain: Okay, thank you very much, Mr. Chairman.

Mr. Haggerty: Mr. Chairman, I think there had been agreement by the House leaders that this wouldn't run concurrent with the major debate that is being held in the chamber tonight, and I thought perhaps maybe we could get on with the resolution, or if he is going to take 10 or 15 minutes—

Mr. Bain: I promise to be very brief, Mr. Chairman, very brief. Mr. Haggerty can tell me when my time is up. How is that?

Mr. Haggerty: I will tell you. That's for sure.

Mr. Chairman: Okay, Mr. Bain.

Mr. Bain: Thank you very much. Because of the time constraints, I will be very brief. I think the chairman of the Workmen's Compensation Board and other people from the board are aware there is an obvious difference of opinion on how the board operates between ourselves and many members of the Liberal Party and members of the board. We feel that some of the problems that arise are not isolated incidents but are a general indication of problems within the board. I think some of those problems are attitudinal problems.

I think a lot of this stretches back from the time the Workmen's Compensation Board was originally set up. The Act was passed in 1914. Basically, I find again and again that the benefit of the doubt is not given to the worker. That's where the problem lies. I am not going to cite chapter and verse that I have, but I will just cite a couple of examples and one particularly I would like you to look into. I had a case and I think this one will go down in history eventually. It is being fought now by a very indomitable woman. Her inner courage and strength are an inspiration to many people. Mrs. McLeod has been fighting for her deceased husband, not because there is any tangible economic gain, but like many other people she feels the condition in the mines that has led to the industrial diseases that the miners have should be recognized and should be compensated for. An autopsy done by Dr. Ritchie indicated her husband had carcinoma, silicosis, emphysema, chronic bronchitis—just to mention a few things; the list is much longer, and I won't read all of it. Her husband was denied a compensation pension because there was no indication that his death arose out of his employment. Any doctor who reads the autopsy and knows that the man worked in a mine since 1926, I believe, will quickly realize that there was an association. Only through her valiant effort was Mrs. McLeod able eventually, after her husband's death—the claim was originally started by her husband—to get any sort of recognition by the board. They finally gave a 10 per cent disability pension, but they weren't even magnanimous enough to say, "Well, yes, it was because he worked in a mine." They said it was an arbitrary decision they had made, and they made it because Mr. McLeod was now deceased and was not present to be examined. Because they couldn't check it out, they made "an arbitrary decision."

Mr. Wildman: Why didn't they exhume the body?

Mr. Bain: If a person had carcinoma, silicosis, emphysema and chronic bronchitis and had worked in a mine, I think benefit of the doubt would indicate that he should have been given reasonable compensation by the board. Again, the problem of benefit of doubt keeps cropping up.

In another situation, an employee who worked in a mine was injured and he could not go back to his old job. The board cut off his pension because they said that he was offered suitable employment by the mine and he wouldn't take it. The source of that? "Your employer informs us that the information you"—referring to the miner—"supplied the adjudicator is not correct in that you were offered suitable work in the machine shop which you would have been able to do but you elected to take early retirement instead of returning to work."

Upon investigation—they investigated because the matter was brought to my attention and I, in turn, brought it to the attention of the board—the board found out, in effect, the employer was not correct. The employer did not offer the man suitable employment. The employer offered him his old job back. In a normal circumstance where you have the employer saying one thing and the employee saying the other, if you don't give the employee the benefit of doubt, at least you would investigate further—but not on the basis of the employer simply saying that a suitable job had been offered. The person should not have to come to the member, and the member should not have to intervene in that way, if benefit of doubt were to err on the side of the worker. That has been resolved.

I would like to give you one instance tonight, and I will give it to you very quickly—it was a very neat trick, actually—where the employee was injured in August and for a week's time he was sent home every day by the employer. The employer said, "Okay. You are not feeling well? You can't work? That's fine. Go home." A really nice employer, really generous; a nice guy. They gave him full pay. Then he was laid off, and the company said to the Workmen's Compensation Board: "Look, this guy worked for a full week after he was injured. There is nothing wrong with him." The board accepted the view and when we contacted the employer, the employer said to us: "This was resolved. We have resolved this with the ministry and the Workmen's Compensation Board." They wouldn't give us any information. What we wanted was some sort of employment record or some indication of what had been going on, but they said they would not give it to us. Unfortunately, we contacted somebody at the board whose name I won't reveal simply because I don't want to get the guy into trouble. I hope he was mistaken, but he informed us that the board could not get the legal records from the company. As I say, I hope he was mistaken. We were told we should suggest to this constituent that he apply for legal aid in an effort to get the information that was required to prove his case, the employment records.

As I say, I am sure you can clean this up. I hope that the clout of the board is a little greater than that employee of the board seems to think and that you will investigate this.

[8:15]

The claim number is C-10431606. I mention that because I figure you can cut through some of this red tape. I don't feel that this man or anybody else—I've had cases in my riding in which the people—I had one this summer in which the person was on the edge of having to go for assistance. I want to make sure this man doesn't end up in the same situation. That other man came to me and he said, "I have never gone on general assistance. I have never gone on welfare and I don't feel I should have to. I've been on compensation but compensation is not a welfare programme. I think I'm entitled and I don't think I should be forced to take welfare."

The Compensation Board, again, when it was brought to its attention, cleared it up and the man did get his money. But that man this summer had to wait well over six months and I want to make sure that doesn't happen to this man whose claim number I have just given you.

I can go on at great length about a number of things but I won't because of the time.

French—that was raised today; Mr. Wildman raised it about Dubreuilville. The problem is even greater than one might think. It's not restricted to Dubreuilville. I have a number of people who've gone to the board and because of language problems have not been given a fair break. I won't go into the details of this particular case because the details are not significant.

The fact is this man cannot speak English well enough to be able to discuss all the ramifications and all the work history he's had. He has had interpreters present but these interpreters are not very good. In one case, when he was interviewed by a neurologist, I believe it was, this is what the neurologist had to say: "It was difficult for an interpreter to understand the man and to keep him on track in the conversation. It was almost impossible to get a consecutive history."

I've spoken with this man and I've spoken with his wife and members of my office have as well. I would defy this neurologist to try to keep some of the members of this House on track in a conversation so let's not say that about this particular man.

The problem really is one of not having adequate people available to translate. I realize the budgetary constraints but if you can't provide enough staff to provide interpretation, I think you should cover expenses for somebody to come with those people when they come to Toronto from their home area, if need be to provide interpretation.

Mr. Starr: I have a question, if you'll permit it. I'm intrigued by the fact that this neurologist was trying to interview this claim-

ant and had an interpreter present. Where was this done? Where was this neurologist?

Mr. Bain: At your hospital.

Mr. Starr: At our hospital? At Downsview?

Mr. Bain: Yes. It's not just at the hospital; this man came down for a hearing before the board and he had the same problem. Fortunately, this time the man was lucky enough to have a priest come with him from home to act as an interpreter.

If the board cannot provide interpreters—I'm not talking about somebody who's got a degree from the U of T in French; I'm talking about—I could probably get a degree in French.

Mr. Starr: Was he French or Portuguese?

Mr. Bain: He was French. A lot of people get university degrees in French today. It doesn't mean they're bilingual and it certainly doesn't mean they can talk to people in everyday language. Somebody has to do something about that and, if need be, you should provide the expenses of interpreters to come down from home with the people.

Mr. Starr: We have a French translator and interpreter in our office. You can talk to him yourself.

Mr. Bain: I'm sorry but we have had people from our office sit in with your interpreters and it was not satisfactory. I think that problem has to be overcome otherwise you're depriving these people of a basic right to receive justice in their own language. You're going to have to rectify that problem.

I have a number of things that I will not raise because of the time constraints. It's very generous of other members to allow me to speak. One last thing, there's not much point in having appeals in Timmins for many people in Timiskaming. For me to go to Timmins, I might as well go to Sault Ste. Marie or Thunder Bay or any place else. Timmins is not in my riding.

Mr. Starr: How about Kirkland Lake?

Mr. Bain: If you'd like to have appeals in Kirkland Lake, that would be just fine with me, but I don't know that that would be something that you might want to do. If you wanted to have appeals in Kirkland Lake, that would be great. You have transferred them from Timmins to Toronto for me. The board has been co-operative in this. It's just that we haven't got a definite policy. When I've asked that appeals from Timmins be transferred to Toronto, I have been given permission to have that done, but always reminded that this was not board policy and the appeal should have taken place in Timmins.

I wouldn't want to end up in a situation where, if you have the appeal in Timmins, I can't go to Timmins. The budget that's allowed for our constituency offices does not permit anybody from our constituency office in Timiskaming to go to Timmins. The nearest one is in Kirkland Lake where I have an office. I believe you will not send WCB advisers up to Timmins either, is this correct?

Mr. Starr: They don't go out.

Mr. Bain: That means if the man has an appeal in Timmins, he has nobody to represent him. If you would want to have some of those hearings in Kirkland, great stuff. If you're going to have it in Timmins, you might as well have it in Toronto because the man's expenses are covered and I'm here, and I have better access to the Workmen's Compensation office.

As a concluding remark, Mr. Starr, when you spoke before the committee you mentioned the concern of the board that you were running into problems compensating workers and that you were afraid that by increasing the assessment against companies this would in some way affect those companies in an economic fashion. Maybe you didn't mean it, but when you spoke out like that it sounded, and the way it was reported in the press, that you were standing up and defending the rights of industry and big business. Let the Minister of Industry and Tourism say something like that. Let the chairman of the Compensation Board say we're going to make sure in this province that the workers are compensated fully for any injury or industrial disease they suffer and that as long as we are restricted by legislation that says the companies have to cover it, then those companies are going to pay whatever assessment is necessary regardless but we're going to make sure the workers get their due in this province. Don't apologize for the companies.

You are the man who is supposed to stand up for injured workers in this province. As I said, let the Minister of Industry and Tourism make statements like that.

Mr. Starr: The amendments of 1974 and 1975 were the most massive for the benefit of injured workers in the history of the Workmen's Compensation Board over 60 years. That alone proves it.

Mr. Bain: What I am saying is don't make statements saying that we're going to have trouble coming up with the money from those companies. That's what I mean.

Mr. Starr: I never said that really.

Mr. Bain: The Globe and Mail, I haven't known to be wrong.

Mr. Starr: You don't believe the Globe and Mail, do you?

Mrs. Campbell: Sometimes it is.

Mr. Bain: On rare occasions, but I believe you did basically say that.

Mr. Johnson: Mr. Chairman, let's have a vote on the resolution.

Mr. Bain: I appreciate the time. As I said, I was concluding so I would appreciate it if you'd look into that one case, the claim number I gave you.

Mr. Starr: We'll let you know.

Mr. Bain: And Kirkland Lake, if you'd like to do that, it would be fine.

Mr. Chairman: Have you concluded your remarks, Mr. Bain?

Mr. Bain: Yes, thank you very much.

Mr. Chairman: We do have a resolution and it was agreed when the resolution was put the other night that we would set aside an hour at least for a debate on the resolution. Recognizing the fact that we do have time limits and that the budget is before the Legislature and some of the members would like to be in the Legislature while their leaders are speaking, I would like to have some guidance from the committee as to what you want to do. Do you want to discuss the resolution that was proposed by Mr. Haggerty now?

Mr. Laughren: Mr. Chairman, if I might, I think we should discuss the motion by Mr. Haggerty, but there are some of us who have attended for three days and do feel that we have some kind of right to speak on this committee before we get to the resolution. In view of the fact that it's only 8:30 and the House will undoubtedly sit till 10:30, I don't see why you are pushing the button.

Mr. Chairman: I'm just asking for the guidance of committee members.

Mr. Laughren: I'm giving you some.

Mr. Johnson: Can't we put the resolution and you can go on after that?

Mr. Laughren: How does that make sense?

Mr. Johnson: It makes as much sense as sitting here for another three hours and repeating what has been stated on numerous occasions. I think the resolution is more important than listening to repetition.

Mr. Bain: It's been proven, though, that people learn from repetition.

Mr. Laughren: It's hard to understand how the member anticipates what the rest of us are going to say and that it's automatically going to be repetitive. I don't understand how he can do that.

Mr. Johnson: Maybe from past experience.

Mrs. Campbell: Mr. Chairman, I certainly don't want to cut anyone off, but it seems to me that a commitment was made to Mr. Haggerty. Therefore, surely it would be appropriate to deal with the resolution and then—well, we don't know. We may have to be called to a vote. Anything can happen from here on in. I would suggest that, in fairness, the resolution be debated now. It may not be necessary to give it a full hour but at least let's get that done and then the time is free from there for people to carry on with what I believe—and I have to say this—I think from what I have heard there have been some very useful positions taken by people in this committee. I'm not for one minute belittling anything that has gone on, but the commitment was made and it should be honoured. Otherwise, you will run out of time and then you will have failed in a commitment to a member. That's all.

Mr. Laughren: Mr. Chairman, we are here in this committee to question officials of the Workmen's Compensation Board and to put our views to them more than we are to entertain resolutions of the committee, although of course I'm not ruling out the legitimacy of Mr. Haggerty's resolution. I agree.

Mr. Chairman: It was agreed that we would debate when the resolution was introduced.

Mr. Laughren: I agree. Mr. Chairman, if you would let me finish. I'm not disputing the legitimacy of Mr. Haggerty's motion. Of course, it's legitimate. All I'm saying is that we should keep in mind that the reason we are here and we have had the Compensation Board here for three days, is so that we could have a go at them, not that we can have a go at Mr. Haggerty.

Mr. O'Neil: Mr. Chairman, is there any opposition to the resolution that it has to be debated?

Mr. Laughren: It's like fighting a marshmallow. Who is against marshmallows?

Mr. O'Neil: Then why don't we take a vote on it and see what happens and then we can go on with other discussions?

Mr. Wildman: I'd like some hot chocolate with the marshmallows.

Mr. Haggerty: I have sat in here almost from the beginning of this committee relating to the Workmen's Compensation Board, and it was a gentlemen's agreement between the parties that it would wind up before the budget speeches in the Legislature. This is the only thing that I'm making reference to. I think everybody has had ample time to discuss some of the issues that bother them in looking after their constituents and claims, and I thought, by this time, that we would have this wrapped up. I mean, we sat all day yesterday—the committee did. The minister was not here. The minister is not here tonight. She perhaps might be listening to the debate in the Legislature. I don't know. I think she should be here. It may be indicated by the NDP that it's a marshmallow resolution.

Mr. Chairman: Mr. Haggerty, I think the minister explained the other day that she could not be here.

Mr. Haggerty: I know she was yesterday, but I'm not—

Mr. Chairman: She was also involved in a bill before the Legislature. She was here this morning.

Mr. Haggerty: Maybe the resolution does not go quite as far as I would like to see it go myself, but I'm always a person who takes the moderate approach. I'll take half a loaf instead of nothing at all. If I can move this committee and move the chairman of the Workmen's Compensation into this line of thinking then I think we have gained some ground. I think there is agreement between the House leaders and even within this committee that we would have this wound up by this time. We could go on until 2 or 3 o'clock in the morning.

[8:30]

Mr. Chairman: We did agree to present this resolution. We did have a commitment. I might say, for the information of the committee, that the NDP has had 254 minutes more than the Liberal Party in this committee. I don't like to be a time watcher or a clock watcher but that's exactly what's happened.

Mr. Laughren: All right. Would you accept at this point an amendment to Mr. Haggerty's motion and allow me to speak to the amendment?

Mr. Chairman: Did you want to present your—you were going to present your amendment previously.

Mr. Laughren: I wish to make an amendment and then speak to it. Is that appropriate?

Mr. Chairman: You are the introducer of the resolution?

Mr. Laughren: I would assume that's in order.

Mr. Haggerty: I can't presume what you have over there. I don't know whether you are supporting the intent of this resolution or not. Yours may change the whole picture. I don't know.

Mr. Laughren: You won't know that until I present it.

Mr. Haggerty: It's up to the chairman.

Mr. Chairman: Would you present your amendment, Mr. Laughren?

Mr. Laughren: I would amend Mr. Haggerty's motion by adding to it that the Workmen's Compensation be abolished and replaced by a comprehensive social insurance scheme.

Mr. Haggerty: You are jumping to conclusions.

Mr. Laughren: Not at all.

Mr. Haggerty: You have altered the intent of the resolution right off the bat.

Mr. Laughren: It says that in your own resolution.

Mr. Haggerty: No, it doesn't. It says a study.

Mr. Laughren: What does the second part of it say?

Mr. Haggerty: You might say that is a preamble but it doesn't indicate that. Hopefully, that's what it would indicate later on after the study is completed.

Mr. Laughren: I think we could talk all night about the—

Mr. Wildman: Is the amendment in order?

Mr. Chairman: That's rather questionable. I would question it in view of the resolution introduced by Mr. Haggerty.

Mr. Wildman: What do you interpret the second part to mean, Mr. Chairman?

Mrs. Campbell: Would you read it so that we may all—

Mr. Chairman: The resolution of Mr. Haggerty was that in the opinion of the committee the government should immediately move to establish a study of all benefits available to the injured workmen of this province. Consideration should be given to the establishment of a comprehensive accumulation of information concerning these programmes such as Workmen's Compensation benefits, accident insurance, Canada Pension benefits, sick benefits, welfare benefits, bargaining union programmes and others, as well as the establishment of counsellors to aid the workers in obtaining the benefits due to them. (2) The minister consider the adoption of a new approach in this area and if it seems reasonable to accept a plan integrating all the present programmes of assistance to provide a measure or means of economic security to the injured employees and survivors' benefits.

Mr. Laughren: Are you ruling my amendment out of order?

Mr. Chairman: No, I haven't ruled on your amendment.

Mrs. Campbell: May I speak to the question of whether or not it is in order? The way in which that motion is couched, with the suggestion that you do a comprehensive survey and a comprehensive reorganization, the subject matter is then opened, may I suggest. The only difficulty is that the resolution calls for a study. The amendment as proposed, with respect, comes to a conclusion as to what the study will show. I would suggest that while it's within the parameters of the resolution it does change, somewhat substantially, the meaning of it.

Mr. Bain: If I could speak to the same point, when there was an amendment before the House regarding negotiations on Bill 131, The Farm Income Stabilization Act, there was an amendment introduced by Mr. MacDonald regarding negotiations.

There was subsequently a subamendment introduced by the Liberal Party which negated the amendment. The chairman allowed the debate of the Liberal amendment which subsequently was passed. I don't think the Chair has ruled in the House on a motion negating another amendment. I know if you go by Roberts rules certainly you would, but not by the rules that have been used in the House.

Mrs. Campbell: I don't know what the rules of this House are.

Mr. Bain: If you use the example I have used, that's exactly what happens. If the Chair in the House allows that kind of a subamendment to be introduced, Mr. Laughren's subamendment is exactly the same kind of subamendment.

Mr. Chairman: It seems to me, and I could be wrong, but I thought that Mr. Laughren told us the other night or the other day when Mr. Haggerty introduced the resolution that he was going to introduce an amendment but he would make the committee quite aware of the amendment before it was introduced. We should have some time to think about it. That's one of the reasons you didn't support the amendment or the resolution the other night when Mr. Godfrey asked that it be tabled for later discussion.

Mr. Laughren: With all respect, Mr. Chairman, I would suggest you make a ruling. The commitment was that this committee would sit for three days and I would put to you that we have an obligation or at least a privilege to sit here until 1:30 at least. If you want to debate Mr. Haggerty's motion now, fine, go ahead and debate it. If you want to allow my amendment, fine, allow the amendment. I intend to speak anyway. I just believe we have the right to be here until 10:30 and the committee has no right to adjourn before then and that it really doesn't matter what way you rule.

Mr. Chairman: Then we'll discuss Mr. Haggerty's motion.

Mrs. Campbell: Mr. Chairman, was there or was there not an agreement as to this?

Mr. Chairman: There was an agreement that we would discuss Mr. Haggerty's motion.

Mrs. Campbell: That's the only agreement?

Mr. Johnson: The agreement was that we move the resolution presented by Mr. Haggerty tonight.

Mr. Chairman: We were going to leave it until towards the end of the committee meeting and then we were going to discuss it.

Mr. Johnson: But also with the understanding that because of the possibility of a vote in the House we should complete this part of the business before the vote would come up, as Mrs. Campbell has mentioned.

Mr. di Santo: Mr. Chairman, is it my understanding that you don't accept amendments to the motion?

Mr. Chairman: No. As Mr. Laughren said, if you want to discuss the motion or the amendment it's all right. I decided that we would discuss the motion.

Mr. di Santo: But I'd like to present an amendment. Is that possible?

Mr. Bain: Mr. Laughren invited the Chair to give that interpretation, showing that Mr. Laughren is very flexible.

Mr. Laughren: I just want to get on with the debate.

Mr. Bain: The one thing I think we have to clarify, and this is what Mrs. Campbell raised, is how long we sit after that motion is voted upon.

Mr. Laughren: To 10:30.

Mr. Bain: We assume it's 10:30 and we ask the chairman if he also is aware of that. If that's right, then we should proceed.

Mr. Chairman: Mrs. Nokes tells me the latest word they have is there could be a vote at 10 o'clock.

Mr. Bain: The committee obviously adjourns for a vote but can come back if need be.

Mrs. Campbell: I just want to say this to try to shorten it if I can. I understood the chairman to say that there was an agreement that this resolution, together with amendments, would be debated at this time because it was agreed by the House leaders that this committee would then rise to go up for the budget address. Is that so or isn't it? If you've made that ruling, it sticks. If it isn't the case, let's get on with the debate.

Mr. Chairman: I can't say that I was under the impression that we would go up for the budget debate but I think we sort of expected that that would happen.

Mr. Haggerty: Wind it up before that.

Mr. Chairman: It was agreed the other night—and correct me, Mr. Haggerty, if I am wrong—when you introduced that resolution, that it would be postponed but that it would be discussed before this committee rose.

Mr. Haggerty: That's right.

Mr. Chairman: And I think now is the appropriate time to discuss this resolution introduced by Mr. Haggerty.

Mr. Bain: For clarification, Mr. Chairman: We're going to discuss the resolution, we're going to vote on it, and we're going to sit as a committee until there is a vote called in the House. Correct?

Mr. Laughren: Question.

Mr. Haggerty: Once the House is prorogued, I don't think we have any authority to sit beyond that time.

Mr. Chairman: No, we can't sit beyond that time.

Mr. Wildman: We can sit until there's a vote called.

Mr. Bain: We can sit until there's a vote called. Is that correct, Mr. Chairman?

Mr. Chairman: I was under the impression that we would have this discussion before the three final speakers participated in the budget debate. I don't think it was really spelled out, but I was under the impression that when the NDP member was speaking, you would like to be there. I was under the impression that when your leader was speaking—

Mrs. Campbell: Our leader is speaking now.

Mr. Chairman: —you would like to be there. And I think when our leader is speaking that some of us would like to be there. It's as simple as that.

Mr. Haggerty: That's right.

Mr. di Santo: Just for the record, Mr. Chairman, if we discuss the motion, I don't understand why you shouldn't entertain amendments to the motion. Isn't that the procedure?

Mr. Chairman: Actually, the other night—and you may or may not have been here, Mr. di Santo; I don't know—Mr. Godfrey made a motion that this would be discussed towards the end of our deliberations, and we agreed then that we would give ample time for discussion. Mr. Haggerty brought in the motion. Actually we should have discussed it then, but he was gracious enough to allow us to continue the discussion be-

cause we had so many participants in the debate. I think we should—

Mr. Wildman: On a point of order, Mr. Chairman. At the time Mr. Haggerty so graciously stacked his resolution, if you want to use that term, Mr. Laughren also indicated that he would move an amendment. It would seem to be in order for it—

Mr. Chairman: That's right. I was under the impression that he was going to bring in the amendment before the present time, actually, so that we would—

Mr. Wildman: But, still, isn't it in order for him to introduce it?

Mr. Chairman: One of the problems the other night was that we said we would like to have this so we could have a few days to think about it.

Mr. Wildman: Right.

Mr. Chairman: It was printed up. Don't you remember that, Mr. Haggerty? Now Mr. Laughren has brought in an amendment we haven't even had the chance to look at until he introduced it tonight.

Mr. Bain: It's pretty straightforward, Mr. Chairman.

Mr. McCague: In your opinion.

Mr. Chairman: It may be straightforward, but it's pretty—

Mr. O'Neil: How long does he want to speak on the amendment?

Mr. Wildman: Either the amendment's in order or it's not—one or the other.

Mr. Chairman: I'm not saying it isn't in order. Mr. Laughren said he was quite prepared to discuss either the amendment or the resolution.

Mr. Laughren: We should make a ruling, Mr. Chairman.

Mr. Chairman: Then we'll discuss Mr. Haggerty's resolution. Mr. Haggerty?

Mr. Haggerty: I think we've lost about half an hour here debating whether we should discuss the resolution or not.

I think the resolution is a workable means that can be accepted by the committee. At the present time there are a number of programmes or plans that are available to a number of persons in the province of Ontario. We have the Canada Pension Plan. We have the unemployment insurance plan. We have company pension plans. We have no-fault automobile insurance, which is another type of insurance that provides $70 a week. We also have old age security pensions whereby persons aged 65 or so can still draw compensation. We have a number of industries that provide sick leave. We have sickness and accident insurance. We have medicare, Blue Cross, dental programmes, drug programmes—we have all these things available to a person employed today.

Some of these plans or programmes, in my opinion, perhaps are overlapping in their intentions in that they often lead a person to believe that if something does happen to him, regardless of where the accident happens, he's got some security there. But in a number of instances, you can't get by on $70 a week today.

[8:45]

The intent of this is that the minister would initiate a study and bring in the necessary information and perhaps through that study will tell us that there is a need for a new social programme in Ontario.

It was mentioned before that New Zealand has this type of programme today. I don't know how successful it is. It is perhaps on a trial basis but again I think it's worthwhile that we should be taking a look at that particular type of legislation.

When you look at it today it is almost like a tri-party contribution by employees, employers and by government in a number of these programmes. I think it is time that we sat down and took a good close look at this. It is costing the consumer perhaps additional cost. We have the employer who is paying into a number of these programmes. It is costing him a good sum of money, too. Even the employee himself is contributing in a number of schemes. Sometimes you are paying for these schemes but you are not getting the full value out of them.

This is one of the reasons that is here in the second paragraph of the resolution. I think the minister should consider the adoption of a new approach in this area and it seems reasonable—I've got the words "consider" and "reasonable"—to accept the plan. I am not saying she should accept it because I am not sure I am sold on the idea myself until I have all the information before me. I think ample study will surely indicate that there should be one programme available to all Ontario's citizens to provide them with sufficient income in case of illness, accident, whether in a plant or outside the plant. I think we should be looking in this direction.

I haven't used the words guaranteed income. I have used the words economic secur-

ity. I think it is most important that the person who is injured or disabled has a good security programme to provide him with sufficient means to support a family and maintain a decent living.

To keep it short, the only thing I hope the committee members will approve is this study to find out what direction we should be heading for. The Camp commission report has just been presented to the Legislature and as the lead-off speaker was saying, government must change with the times. I think this is one particular area in which we should be looking for a change.

Mr. McCague: Mr. Chairman, did I lose my turn on the totem pole?

Mrs. Campbell: Yes, you did.

Mr. Chairman: Yes, you did but we will call on you now.

Mr. McCague: Thank you. I don't see anything wrong with Mr. Haggerty's motion and I feel our party should go along with it. We should be willing to review these things from time to time. I would ask the indulgence of the members of the other parties in order that we can get back into the House to listen to what our leaders have to say about the affairs of the nation.

Mr. Laughren: I would just say that we choose not to debate the motion other than to say we cannot support it because it lacks any kind of substance at all. If you wish to put the question, that's fine. Then I would like to make a few remarks directed towards the Compensation Board.

Mrs. Campbell: Mr. Chairman, if this is the way it is I would like to have an opportunity to speak to the resolution. If I am out of turn—

Mr. Chairman: No, you are not out of turn. Any member of the House can speak to the resolution.

Mrs. Campbell: I can understand some of the concerns which have been expressed by Mr. Laughren. We have all had concerns and Mr. Haggerty is certainly in the forefront over the years in expressing concern for the way in which compensation has operated.

However, it does seem to me that we ought at least get the facts before we start jumping to any kind of conclusions. I don't know how long such a study would take but I would think it wouldn't take that long to enable us to take a real look at where we are going.

Certainly I think that discussions at which I have been present in this committee have indicated the great concerns of the members for the way in which the injured workman is treated today. Case after case can be given. I have one case that I am referring, but I didn't produce them because you know you get tired of covering the same ground. We have to find a method by which the injured workman winds up with that kind of security which is not based on welfare benefits—and I am sure that is what Mr. Haggerty means by his motion. I don't think it lacks substance, with respect.

The fact that it doesn't jump to a conclusion ahead of getting the facts doesn't strike me as lacking substance. I personally don't like the idea of studies, if I knew the solutions and how they would function. I know I am not at liberty to debate an amendment which hasn't been put, but if we look at a plan or a statement of what ought to be done, I am convinced the employer should not be off the hook for compensation to the employee injured in the plant. I don't think it should be a case of the government assuming that responsibility.

Therefore, I would like to see the study done, and to see just where we can go so that the employee, for whom all of us on the committee have a concern, is protected. I could foresee in some cases that we would wind up with the state supporting industry, for example, by some schemes that might be involved, and I personally am not prepared to go that route until I know what else can be done.

If I had a vote, Mr. Chairman, I would be supporting the motion, but since I wasn't substituted I am afraid I can't vote on this resolution.

Mr. Chairman: Is there any further discussion on Mr. Haggerty's resolution? If not, are you ready for the question?

Mr. Johnson: Would you read out the names of the people entitled to vote please?

Clerk of the committee: Mr. Bain, Mr. McCague, Ms. Gigantes, Mr. Johnson, Mr. Lane, Mr. Laughren, Mr. McNeil, Mr. Riddell—I don't think he is here—Mr. McClellan is substituting—

Mr. Haggerty: I am on there for Mr. Cunningham. Margaret, you could have got in for Mr. Riddell.

Mr. Chairman: All those in favour of Mr. Haggerty's motion will please indicate by raising their hands. Four.

All those opposed will please indicate by raising their hands. Five.

The resolution is lost.

Mr. Johnson: The NDP don't have five voting members on the resources committee.

Clerk of the committee: Mr. Bain, Ms. Gigantes, Mr. Laughren and Mr. McClellan.

Mr. Johnson: Four. Then who voted for the extra one?

Mr. Chairman: I am going to call the vote again. This is very serious.

Mr. Lupusella: I thought I was nominated. Sorry.

Mr. Chairman: The vote is four-four.

Mr. Laughren: That leaves it up to the chairman.

Mr. Chairman: The resolution will carry.

Mr. Laughren: Mr. Chairman, may I speak?

Mr. McCague: On a point of order, Mr. Chairman, before the debate on Mr. Laughren's motion, could I read from Hansard?

Mr. Chairman: I understood that Mr. Laughren was going to speak.

Mr. Laughren: I was just going to talk to the Workmen's Compensation Board people; that's why they're here.

Mr. Chairman: Mr. di Santo is ahead of you.

Mrs. Campbell: Could we know what is in Hansard?

Mr. Chairman: The motion was a vote of four to four, and the chairman is voting with the resolution because I'm a member of this committee. The resolution is carried.

After Mr. di Santo, I think it was Mr. Lupusella.

Mrs. Campbell: Are we not rotating any more?

Mr. Chairman: Unless there's a Liberal in between, Mrs. Campbell.

Mrs. Campbell: There's going to be a Liberal in between, I'll tell you or we're going to have this business of one-sidedness all night.

Mr. Chairman: I'll tell you what the list was. Mr. Bain has concluded, and then it was Mr. di Santo. If there's a Liberal, that's quite all right; then Mr. Lupusella and another Liberal and then Mr. Laughren and another Liberal and Mr. Bounsall. I would just remind the committee that the Liberals are short 254 minutes on the committee.

Mr. McCague: Mr. Chairman, on a point of order, before we proceed, would you agree that it's in order to set aside any argument there might have been as to when an amendment might have come in to Mr. Haggerty's motion?

Mr. Chairman: I think that's quite fair.

Mr. McCague: I would read from Hansard as follows:

"Mr. Laughren: On a point of order, if I might, Mr. Chairman, would it be acceptable to the committee if we left the debate on the resolution to the end of the committee hearings, at which point I would personally very much like to put a minor amendment to that resolution, which I am sure the Liberal Party would accept? Would that be acceptable to the committee?

"Hon. B. Stephenson: Can we have notice of motion about the amendment?

"Mr. Laughren: Certainly."

Mr. Laughren: That was certainly notice.

Mr. McCague: It certainly is.

Mr. Bain: He didn't say how much notice, he gave notice.

Mr. Laughren: Mr. Chairman, do I have the floor or do I not?

Mrs. Campbell: He said he would present an amendment.

Mr. Bain: He said, "I'm going to present it." That was the notice he gave.

Mr. di Santo: Can Mr. Laughren replace me?

Mr. Chairman: That's quite all right as far as I'm concerned. If you're going to yield to Mr. Laughren; he has the floor.

Mr. Laughren: Thank you, Mr. Chairman. You rule with a benign fist.

Mr. Chairman: I'm sorry, I'm just a poor farmer.

Mr. Laughren: You're a country lawyer, I know the type.

I just want to make a few remarks about the Workmen's Compensation Board and

some of the things I see as their problems and the solutions to some of those problems. I guess this is my fifth consecutive year here at the hearings of the Workmen's Compensation Board. There are some others in the room who've been here five years too—Mr. Bounsall and Mr. Haggerty, I know.

It really struck me during the sitting yesterday and on Tuesday how few of us had been here before or perhaps once before. At one point, I counted 15 MPPs in the room and only three were in their second term. I think one of the things that allows the present system to continue the way it is is that there's such a turnover of MPPs. When you sit here year after year, you get a sense of extreme frustration that you couldn't tolerate. If all 15 of us in the room were here for five consecutive years or 10 consecutive years, I can tell you the level of frustration and anger in the room would be a lot higher than it is. That makes it very difficult.

[9:00]

Our leader yesterday said—and I don't know what he meant when he said it and I haven't had a chance to ask him—"I suspect this is our last year of confrontation with the board." I don't know what he meant when he said that. You may recall he said that and I honestly don't know what he meant. I don't know whether he meant that the spirit of what I would propose to move tonight will be carried out in the future or whether that under a new government there wouldn't be the sense of confrontation there is now. I really don't know what the member for Scarborough West (Mr. Lewis) meant when he said that.

I suspect what he meant was that we couldn't go on the way we are, year after year, coming in front of the board, haranguing and harassing the officials of the board and the Minister of Labour, hour after hour. I ask you, is there any other agency of government which comes before a committee of the Legislature and subjects itself to the kind of criticism the board gets every year? Of all the agencies of government I know of, none other has to go through this exercise.

It must be a humiliating exercise for the board. Maybe you don't regard it as humiliating but you sit here for three days and you take nothing but flak. Every now and again you get a gratuitous comment from a Conservative member, such as the member for Algoma-Manitoulin (Mr. Lane), but you know as well that the criticisms are not just politically motivated.

A member of your board said to me today that they understood we had to take certain stances as though it was—

Mr. Wildman: I hope they don't believe that.

Mr. Laughren: I honestly couldn't understand that. There wasn't time to get into a real dialogue with the gentleman but it was almost as though they were thinking that we took a position against the board in order to be on the side of labour. That was what I got out of it. I don't want to read too much into what the gentleman said but it really bothers me—

Mr. Wildman: The board should be on the side of labour.

Mr. Laughren: If the attitude of the board officials is that when you come before the committee the members of the committee are posturing in their criticisms, we're not going to get very far. We're not to accomplish very much in these hearings. Year after year I see it happen.

This chairman of the board has been chairman now for, what, three years roughly? I personally think that three years is long enough to give a board direction; to give a board the kind of leadership that will turn it around and would give the board a kind of credibility out there which it doesn't have.

You have your constituency just as we have our constituencies. We get defeated when we don't speak to our constituency. If we make our constituents unhappy we get defeated. You make your constituents unhappy, you don't get defeated.

I know the chairman is very fond of saying that the vast majority of the cases, over 400,000 which you process every year, are resolved satisfactorily. I would rather say to you that what is done satisfactorily is only the routine. Only the routine is handled satisfactorily at the board. As soon as there's any kind of hitch, if there's anything unusual at all about a case, if there's anything new in the whole area of industrial diseases, it all breaks down. That's really sad because the board isn't there to deal with just the routine.

Surely, the board is there to give leadership, to give direction in the whole area of occupational health, prevention, income maintenance and rehabilitation? Surely, that's the role of the Compensation Board? It seems to me that when you have all the members of the Legislature, I suspect there are no exceptions who are harassed daily—I had a phone call from the member for

Sudbury East (Mr. Martel), who has been ill this session—

Mr. McCague: How is he?

Mr. Laughren: He's quite well, thank you. He's feeling much better. He said to me, "I understand the board is before the standing committee now." I said, "That's right." He said, "For God's sake, can you tell them that I'm getting five new cases a day?" Those were his exact words; "I'm getting five new cases a day."

I know we represent an industrialized area, a mining community. That mining community has been there as long as the board has—60 years—yet we still go through the same problems, year after year. The Compensation Board comes before us and every year it's the same kind of process.

You must look forward to these hearings with some kind of dread, because you don't learn anything when you come before the committee—I don't believe you do. I don't mean that as a personal insult, because it's so repetitive. The gentleman over here was right in a sense when he said that we're going to hear more of what we've already heard. I would just expand that into, not an individual debate, but year after year you hear the same thing.

How many new arguments have been put to you this year that were not put last year, and the year before that, and the year before that? You always have the same question of administrative problems, the same problems of recognizing new industrial diseases, the same problems about Downsview rehabilitation centre, the same complaints you always get and the level of benefits, of course. It just seems that the board has become paralyzed in terms of new directions, in terms of initiative.

You know and I know that Ministers of Labour come and go. There are new Ministers of Labour year in and year out, they change places at that table, but the chairman of the Compensation Board doesn't come and go. The chairman of the Compensation Board is there. While my instinct is always to go for the political figure with the Compensation Board—namely, the Minister of Labour, because that's who sets the legislation—I really think that in the case of the Compensation Board the chairman must assume a major responsibility for the success or failure of the programmes. I hope I could be dispassionate enough to give you credit if new programmes were coming in that were laudatory.

The letter that Dr. McCracken sent out to the medical profession was laudatory and we said so. We said in the Legislature that was the way we should be moving and we were very glad to see that. I want to tell you that the opportunity doesn't arise very often for us to say that and to make those kinds of gestures.

I was one of those who fought against heaping praise upon the present chairman of the board three years ago when you were appointed, because I always felt that the problem with the compensation board was not the chairman. That's what I thought. I said, "You must not blame Mr. Legge," or Colonel Legge or Brigadier Legge or whatever he was. "He had his idiosyncracies with his head table and so forth, but it was the system that was wrong."

I still believe that. The whole system is archaic, but I think that the present chairman has been there long enough now to have given the board his stamp. I don't like what I see. I don't see that the chairman has changed it from an adversary system at all. It's clearly an adversary system, and when I look back over your opening statement you indicate why it can be nothing else but an adversary system, when you start pleading the cause of the employers in the province of Ontario and the enormous cost to them.

Then I look at Dr. McCracken's performance yesterday. I thought that was really remarkable and it really distressed me, though. I want to tell you that really distressed me when Dr. McCracken got into the causal relationship with laryngeal cancer. I went back and looked over some quotes about what is meant by benefit of doubt and so forth. There's been a lot of talk about that and I'll talk just a little more about that later. As for Dr. McCracken's comment that "publicity will damage research," I don't know how you live with that kind of statement and I hope that you'll be able to explain it to us.

I have just a couple of comments about "benefit of doubt." I think probably that comes closest to irritating us as anything; that whole concept of benefit of doubt. If you never talked about it, it wouldn't bother us so much, but you talk about it, the Minister of Labour talks about it down at Biloxi, Mississippi—there's something that rings about Biloxi, Mississippi. When we look back over the people who have really been the heroes of the compensation system in Ontario, it's not the Compensation Board, not the Minister of Labour, but the Gus Frobels and the Paul Falkowskis, the Aimé

Bertrands. Those are the people who are fighting to make the compensation system a more just system in Ontario, and believe me they've got problems in making an impression on this board.

When I look at the lack of any kind of investigative aspect to your role, that bothers me a great deal. Dr. McCracken's letter to the medical profession is an exception and, believe me, I really think that was an excellent way to go about it. But I look at how Aimé Bertrand has fared. Do you know he was turned down because it was decided that cancer of the throat was not compensable? The union had to take hair samples from that man, send them down to a laboratory in the United States; tests showed silica in the hair samples, which I'm not suggesting is conclusive proof, but surely it's another little bit on that side of the scales that would favour compensating Mr. Bertrand. And yet it wasn't the Workmen's Compensation Board that did that research. It was the union. What if a man doesn't have a strong union to represent him? Nothing at all happens, and I think that's terribly sad.

I think the whole question of benefit of the doubt is something that the board is going to have to come to grips with. In all honesty, you cannot sit there and claim the benefit of the doubt principle, and then go through and look at the medical information that substantiates laryngeal cancer as a compensable disease. I know that there's information on the other side. We talked to Dr. Selikoff today; we phoned Dr. Selikoff in France. Do you know what Dr. Selikoff told us? He said: "From a statistical, scientific approach"—and Dr. Selikoff is, first and foremost, a scientist; I'm sure Dr. McCracken would agree with me. He is a scientist, first and foremost. Technically speaking, as a scientist, he told us that Dr. McCracken was right; but that if the principle of benefit of the doubt was important, you would compensate for throat cancer. That's what he told us today. It's a question of whether or not you're a scientist or whether or not you believe in compensation giving benefit of the doubt to the worker. And please don't take my word for that! I hope you'll correspond with Dr. Selikoff.

Mr. Starr: We certainly will. I think it's important enough to have it checked out.

Mr. Laughren: I think it is; and ask him whether he thinks that if benefit of the doubt is the overriding principle, whether or not throat cancer should be compensable.

Mr. Starr: We'll do that first thing in the morning.

Mr. Laughren: He's in France now attending a convention; we had some problems tracking him down, but that was what he told us this morning.

The other thing that bothers me about the board is that to this day you have not decentralized. Do you know what you've done in the name of decentralization? You have put a computer terminal in some of the offices; I don't know how many. I know you've got a computer terminal in Sudbury. That's one step in the right direction, but the people there still don't have the files. It's faster and more complete than making a phone call. I've seen them do it. I've been in there and watched it operate, and the information is just instantaneous. It's a beautiful system as far as it goes. But I don't know to this day why you cannot have your files up in Sudbury.

I don't know as well why you cannot decentralize your rehabilitation centre. There's been a lot of talk about decentralizing rehabilitation in Ontario. I'm sure that one reason you get so much flak about Downsview is that people from northern Ontario don't know that Downsview is a bad scene, although they know it's a long way from home. At a time when they're under stress, to start with, because of their physical disability, to add on top of that the fact that they're away from their family and the strangeness of the environment. I'm not surprised that we get a lot of complaints about the rehabilitation centre. We do get complaints; despite the questionnaire that was done, we do get complaints about it.

There's no reason why you could not decentralize the rehabilitation centre. I know the argument the board presents, that you can't decentralize because of all the sophisticated equipment and expertise at Downsview. All I'm saying is to decentralize that aspect of it that it's possible to decentralize—not the sophisticated part, but most of the rehabilitation, which I suspect does not require all the sophisticated medical expertise and equipment but rather the basics of rehabilitation. I think that's something that should be done. I don't know what percentage—I'd be interested in knowing this as well—what percentage of your rehabilitation cases at Downsview are from northern Ontario. I suspect it's a fair amount.

[9:15]

The other thing I wanted to criticize the board for is over communications. I can re-

member sitting down in the members' lounge —and I am glad Bill Kerr is here today—about three years ago with Mr. Kerr, Mr. Martel, and I think Mr. Germa, though I'm not sure—we talked about communicating with the injured worker when there is a problem. To this day that doesn't happen. There are the best of intentions I am sure but when the workers phone us, it's invariably because they don't know what the hell's happening. Their benefits have been cut or they have been cut off. Usually it has been a decrease in the benefits or perhaps it's to do with rehabilitation. It could be any number of things. They don't know what's happening.

I talked to a man in Gogama, a small community north of Sudbury. This man has trouble coping with the written word at the best of times. He had a problem. He phoned the Workmen's Compensation Board, probably in Timmins, and asked them for an explanation of what they were doing. Do you know what they sent him? They sent him one of those little computer printouts that come off the machine. Can you imagine sending a man a computer printout? You would have to know the coding on it to make anything out of it. He showed it to me. As a matter of fact, I mailed it to your counselling specialist, Mr. Philipew and said: "Is this what you mean by communication?" or words to that effect. That's the kind of communication that is worse than none, I assure you.

Another thing is the whole administration problem. I am not picking on Mr. Kerr but I heard Mr. Kerr say the other day—and I must say it turned my whole mind, if not my entire metabolism, to glue when he said it, and I will try and be fairly accurate here—"By 1979, we will be in better shape to handle things." Am I right or am I wrong? I think that's what Mr. Kerr said and I thought to myself that's a bad joke; that's a sick joke. Because I was here in 1971 when it was always just around the corner.

One of the reasons they gave is that they have a big high turnover in claims people and that's why they have problems at the board. They said it takes a long time to train them but we will get them trained and then we will have a streamlined system.

Then do you know what it was? It was the move to the new offices.

Then do you know what it was? It was converting a horizontal system to a vertical system.

Then do you know what it was? There were not enough cafeterias in the new board offices and they had to put in new ones because people kept leaving their files in the one cafeteria that was in the building. It was things like that. Every year we come here it is always around the corner. You always streamline it just around the corner. You committee members just cool it for a while, they said, and it will all fit into place.

I want to tell you we have been extremely patient. We may not sound like that to you when you sit here for three days having abuse heaped upon you, but we get abuse heaped upon us every day. You are getting it from us three days in a year. We get it from our constituents every bloody day. Mr. Martel is not exaggerating when he says five new cases a day. I get them too. We now have constituency offices and it has made a big difference in our lives, personally and politically. It lets us do a better job. But I find myself now not as almost insanely furious at the board as I used to be, because now a lot of that anger is directed towards my constituency person, my assistant in my constituency office.

You may not recall but there was a time a couple of years ago when I started giving out my personal credit card number and the tie-lines from Sudbury to Toronto to every Workmen's Compensation complainant who phoned me because I couldn't cope with it any more. That was the anger. That's breaking one of the unwritten rules that you don't give away your credit card number. But what do you do when your phone rings day after day after day on it?

That's what was happening and that's what's still happening. Only now I fear that we may not have the same sense of anger, the outrageous indignation that we would otherwise have if we were taking it all ourselves personally rather than having it dissipated through our constituency offices. I would go berserk if we had to go back to that other system again.

By far the largest number of problems that any member has, I suspect, particularly in an industrialized area, is with the Compensation Board. There are a lot of people on welfare in this province. A lot of people have automobile accidents, everybody pays income tax, all sorts of people get old age pensions, but the number of calls we get on all those other areas compared with the Workmen's Compensation Board is insignificant. I just don't know how long we should go on tolerating that kind of performance by the Workmen's Compensation Board.

I know the employer assessment is going up. It's just starting to go up. It is going to go up a lot higher before we see the end, I am afraid. I can't help but think that every time we patch up the system, we only pro-

long the problem, we only make the problem a little more acceptable for a little longer period of time. That's why I feel so very very strongly about the abolition of the Workmen's Compensation Board.

I am sure that the people at the front of the room have all sorts of expertise and would be very valuable to the setting up of a new system, so I am not worried about creating unemployment in the province of Ontario among some very highly qualified people, but I will tell you something, the insanity of the present system is such that society is going to have to move in that direction, and I happen to know that there's a fair number of people on your board who agree with that concept. They might not say it here, or they might put it the way Mr. Starr would put it, "Yes, I think that's eventually where we will move to." As a matter of fact I think you said that in your report, didn't you, when you did that study for the Workmen's Compensation Board?

In Saskatchewan, they have just done a report of the sickness and accident insurance committee, September, 1976—and I see some heads nodding—and they outlined the problems of the present system very nicely on page two and I would like to give those to you:

"Specific problems in existing coverage are outlined. While many persons have adequate coverage, many have little or none. Benefit levels vary greatly between programmes. The duration of benefits varies considerably. There are cases of overcompensation because of a lack of co-ordination between programmes.

"There is a multiplicity of administrations leading to inefficiency, duplication and claims handling inconsistency. Few programmes provide relief against inflation. The negligence action is a slow, costly and theoretically questionable device for seeking an award and there is no co-ordinated approach to the rehabilitation of the injured."

That's the present system. That's the present system we still live with. Mr. Haggerty listed some of the things we have now to cope with in society, accidents and illness, and I think it's not debatable who is responsible for the sick, for the injured. Society is responsible for the sick and the injured. We have come to that conclusion a long time ago. That's not something new. It's not something radical. And, lord, how we tried. It is not because of lack of programmes.

I just made a list of programmes. Some of them Mr. Haggerty has listed. We have tried Canada Pension, disability, UIC, sickness benefits, compensation for victims of crime, The Veterans Act, the sick pay plans through employers, automobile insurance plans, early retirement benefits, life insurance, welfare, Workmen's Compensation Board, and the list goes on.

As they say in the report, only an affluent society can afford that kind of duplication, and then they go on—and I haven't got the quote here but they say only a callous society could allow people to suffer with that kind of affluence. The kind of affluence that gives you that kind of duplication has to be a very callous society to have people suffer within it.

I think that's really the key, that's the way we have to approach the whole question of compensation because it lacks justice and it lacks logic. You try and tell an injured worker there's any logic in the present system when he sees some people getting overcompensated and other people getting undercompensated.

It's not as though there wasn't another system. We know there's another system. It has been in place for a number of years. The Minister of Labour always tries to pretend that it is just getting off the ground in New Zealand, but that's been in place now for about three or four year and as a matter of fact they have even improved it I believe. They brought in automobile insurance. They started out without it and now they have brought in the automobile to it as an amendment. Australia also has done a study.

Interjection.

Mr. Laughren: Okay, but there was a change in government in Australia as well that had something to do with it.

What we are saying is that we abolish the Workmen's Compensation Board—not as a punitive act, because they buggered it up, pardon the unparliamentary language, but that we abolish it for purely logical and sociological reasons. It makes so much sense to abolish the board: You get rid of the adversary system. You get rid of the whole problem of workers fighting for that which is rightfully theirs. In its place you put a comprehensive social insurance scheme. You divide it into three areas, like chopping a pie up into three pieces; one is automobile, one is worker compensation and the other is sickness and accident. The automobile is paid for through the licences; the worker compensation is paid for by employers, as it is now, and the sickness and accident is paid for either through a premium or through tax revenues or consolidated revenue fund—it doesn't really matter which.

Surely we have reached a stage where it doesn't matter where the accident occurred, how it occurred or whose fault it was, there are three basic principles in any insurance programme: Prevention, income maintenance and rehabilitation. That is surely where it is really at.

I don't know how the Workmen's Compensation Board can cope with the kind of contradictions that are there now. How do you justify saying no to a worker who gets hurt just outside the plant gate? How do you justify that? He had to go to work to get there to do his job. How do you justify among yourselves the fact that if someone gets hurt on the job, that they are discriminated against? And I don't think you would deny that. Workers who get hurt on the job for any number of reasons are discriminated against. The Elliot Lake workers' principle was raised by my leader. When they are underground and they come up above ground, if they get a wage differential, their pension is subtracted from the wage differential.

One minute you are plugging away at the work ethic, and the next minute you are making it illogical. That simply does not make any sense at all. We have an obligation—not ideologically, not economically—to rationalize the system to our people. We are an advanced society, an affluent society, and it is crazy to have all this duplication. It makes no sense whatsoever.

Whether you are talking about the work ethic, about productivity, or just the well-being of society, you have to abolish the board. I really don't mean it in an angry sense. I just think that it is impossible to have a rational compensation system that puts the Workmen's Compensation Board here, and everything else outside it, and you damn well have to prove that it happened within the purview of the Workmen's Compensation Board; in other words, relate it to the job.

I don't care what you say. I was reading in one of the appendices to the board document, that there was no obligation on the part of workers to prove that something happened on the job, but you and I know that is the case. We could all wheel out individual cases where somebody got hurt on the job, didn't report it; when they finally did report it and realized it was an injury, a serious injury or at least potentially serious, how do we know it happened on the job? It is worse than that.

I have a beautiful example—and I refuse to give you the claim number, because the board likes to get us here, to get claim numbers and to tell us everything is going to be all right. This is a case where a woman hurt her arm on the job. It was a Friday afternoon; she had finished her shift. She was in a lumber mill up north. She finished her shift and went home. Her arm bothered her all weekend, and on Monday morning when she woke up she could hardly move her arm. When she reported in, they said: "I'm sorry, there is nothing we can do." She wrote to the board, and I saw the letter that the board sent back. They said: "You told us that you got hurt in such and such a way on such and such a day, but we have checked with your employer"—and this is almost verbatim—"and he tells us that this did not occur on the job. Therefore, benefits are denied."

[9:30]

Whose word was the board taking? They could take the word of two different people, the employer or the employee. There were no witnesses. Whose word did they take? Obviously they took the word of the employer.

I think that to abolish the board and establish a comprehensive system is a proper function of government. It is not something that would be interfering with anybody's rights. The economies of scale dictate that it would be a much better system. The consistency in benefits that would ensue through a comprehensive scheme would in itself justify getting rid of the board as a separate entity and, finally, the justice that would be there would justify the system. Before I move on to a final specific problem, I would appreciate your comments on a comprehensive social insurance scheme.

Mr. Starr: I can see a great deal of problems there and probably the same type of criticism would emerge again. Under the system you are proposing, I doubt very much, whatever would be the benefit derived from it, whether they be injured at home or not, it may not be enough and people will still be critical. I don't think you would give what anybody wanted on a permanent injury. There would also have to be a scaling down. People would be dissatisfied and letters would be sent to MPPs protesting against the action of that group also.

I don't think you will eliminate the problems with which we are faced today. It might be a more encompassing system. When you are dealing with human beings and you set the rate of benefits, it is never enough. Your problems and your arguments will be

exactly the same as we have been dealing with for three days and will continue to hear.

Mr. Laughren: You are avoiding the whole of the question.

Mr. Starr: No, I am not. I say you are not going to eliminate them.

Mr. Laughren: I didn't talk about level of benefits. I talked about the inconsistencies and the contradictions in the system.

Mr. Starr: And you would probably have the same thing in those areas also.

Mr. Laughren: You could have a consistent level of benefits, regardless of how or where someone was injured, whether it was an automobile accident or on the job, or in the home. You could have a consistent level of benefits. That doesn't sound like the same Mr. Starr talking.

Mr. Starr: No, I agree with that but it doesn't mean that you are going to be alleviated from the complaints and the dissatisfactions of whatever system you put in. That is what the main reason is here. That is why MPPs get letters about these cases, because people are dissatisfied with the pension that has been granted to them.

Mrs. Campbell: Not always.

Mr. Starr: Don't you think under the same circumstances there would be a situation where a doctor may examine a person and say, yes, he is ready to return to work, and that person will disagree? Of course there would.

Mr. Laughren: I'll bet you not five per cent of the calls and the letters I get are about the level of benefits. They are about arbitrary decision-making and they are about having to prove that something happened on the job. They have to prove that the present injury is related to another one. Those are the kind of complaints we get.

Mr. Starr: Our rejection rate is only about seven per cent.

Mr. Laughren: You are talking about outright rejection.

Mr. Starr: Exactly.

Mr. Laughren: That is not the issue at all.

Mr. Starr: Yes, but those are the rejections. If you say to the person it didn't occur here or on the job, then you are rejecting that claim. That is what I am talking about.

Mr. Laughren: Do you know why? It is because under your system you are answerable to the employers collectively in this province. That is to whom you are answerable, and not the employees. Am I right?

Mr. Starr: That's right.

Mr. Laughren: That is why in your opening statement—

Mr. Starr: But you are suggesting that compensation under that system will also be contributed to only by employers. Don't be silly. That is what you said.

Mr. Laughren: That is not what I said at all. I said that under a comprehensive system the employers are responsible for accidents to and illnesses of workers.

Mr. Starr: That is exactly what you said.

Mr. Laughren: Then you don't have a jurisdictional dispute. The worker gets his benefits, and inside they fight over which piece of the pie it comes out of, not out there with the worker on the spot in an adversary system before the Workmen's Compensation Board. I have been before the board often enough to know an adversary situation when I see one. It is ludicrous to tell me it is not.

Mr. Starr: Are you saying there should be one pot for all three segments?

Mr. Laughren: No, I said three pots.

Mr. Starr: That's right, three pots. One is a contributory pot and the others are not.

Mr. Laughren: They're all three contributory.

Mr. Starr: You're suggesting, then, that the employee should pay a portion of the cost?

Mr. Laughren: I'm saying the employees contribute to the cost of the automobile part—not the employees, the car drivers—that the accident and sickness benefits would come out of either premiums or consolidated revenue and the employers pay for the accidents and illnesses on the job. Right?

Mr. Starr: So we're back to where we started.

Mr. Laughren: It's not back to where we started.

Mr. Starr: As far as compensation for injuries is concerned, the employers will be the only ones who will pay for the cost of it. Isn't that what you're saying?

Mr. Laughren: Who do you think the employee is fighting now when he wants compensation? Who does the employee have to fight?

Mr. Starr: I don't know whether he has to fight anybody. If he is entitled to compensation, he gets compensation.

Mr. Laughren: He has to go—

Mr. Starr: You mean in every case someone has to fight to get compensation? That's ridiculous.

Mr. Laughren: You're drawing a red herring across the path. I'll tell you, under this new system—and it's not like it wasn't in existence sometimes, and I don't know why you're trying to throw up a smoke screen, because you know better. Under such a system as I am proposing the employers would pay just as they pay now, but the employee or the person, whether it happened at home, on the road, or on the job, would draw benefits immediately and then internally it would be decided which part of the pie it came from. That's all I'm saying.

I want to tell you something. In your opening statement you didn't talk about the problems of the employers in Ontario. That's why I say—

Mr. Starr: I talked about the problems of the Compensation Board.

Mr. Laughren: —that's to whom you're answerable. I don't mean that in a corrupt sense, but by definition you are answerable to the employers of the province of Ontario, and the only time you'll get real pressures is three days a year here, and I think you get off pretty lightly, Mr. Starr.

Mr. di Santo: Three days' fighting and nothing has changed.

Mr. Starr: No, no.

Mr. di Santo: And nothing changes at all.

Mr. Laughren: It's a perpetual lobby out there by the employers of this province and you know it. Do you know what's going to happen? Let me predict something. I'd like to predict something, Mr. Starr, and see if I'm right. In the years to come you're going to have the employers coming around to what I'm proposing now, but for the wrong reasons. They're going to come around to what I'm proposing now because they will see the costs of assessment to them rising as the industrial diseases skyrocket because of the petrochemical industry and so forth. When they see those costs rising—and it's inevitable—they are going to start saying, "I think that should be a cost to society as a whole, because that's a measure of progress."

You watch. Mark my words. They will start using the argument that all society should pay for progress of the petrochemical industry. The petrochemical industry has given to society—

Mr. Starr: That's exactly what is happening now.

Mr. di Santo: Sure, and in five years we will know.

Mr. Laughren: That's right.

Mr. Starr: Don't think that the employers are absorbing the costs out of their profits. They're passing it on to the consumers.

Mr. Laughren: Fine, but it's not a direct charge against the individual employee.

Mr. Starr: I'm not saying it's direct or indirect, it's going to cost—

Mr. Laughren: I want to tell you something, when International Nickel has its assessment raised, who do you think ends up paying the biggest proportion of the increased assessments? The employee? The taxpayer in Ontario? Or the world purchasers of nickel? It's obvious. That's where they sell the product, on the world markets. That's just one example. All I'm saying—

Mr. Starr: That's one of the few examples.

Mr. Laughren: Not necessarily so. We live in a resource-based economy in Ontario. I would say to you that the employers of the province are slowly coming to the realization that compensation costs are going to be much higher than they are now, and I'm just saying to you that we must resist every attempt by the employers to pass on to society at large the increased costs of compensation.

Mr. Starr: We have a resolution now that's going to look into this whole situation.

Mr. Laughren: I don't need a resolution. Those costs should be—

Mr. Starr: However it's going to be done, that should be a—

Mr. Laughren: Where I agree with you, is that the costs of compensation are the costs of doing business. I agree with that. That's exactly what I say.

Mr. Starr: They're added into the costs.

Mr. Laughren: That's right, but there should not be any hedging. That should not be something that's negotiable. Whatever's compensable, that's just slapped on and it's a cost of doing business. I don't worry, like you do, that it's going to drive business out of Ontario. That's what you're implying.

Mr. Starr: I didn't say that.

Mr. Laughren: What were you trying to say? It's not an Ontario phenomenon, the increased compensation costs; it's a worldwide phenomenon. It's not just in Ontario. It's not just in Canada. And I don't see why you resist the whole concept of new industrial diseases, why you drag your heels on it so much. I don't understand that.

Mr. Starr: I don't resist new concepts of industrial diseases. Far from it.

Mr. Grande: Less cost to the employer; that's why.

Mr. Laughren: You certainly do.

Mr. Starr: I certainly do not.

Mr. Laughren: Oh, I see. How is it that we had such a battle fought over stomach cancer?

Mr. Starr: There was no battle fought. We were going through a process—

Interjection.

Mr. Chairman: Order, please.

Mr. Starr: —of trying to assess the connection between one and the other—that's all—until we were certain of our decision. Oftentimes—let me tell you this—when people say it's a crime that a person must wait so long, we could have rejected that claim at the beginning. But we don't want to do that. We want to be absolutely certain that if there is any possibility of granting that claim, we want to do it.

Mr. Laughren: Don't tell me about not rejecting claims—

Mr. Starr: And that's why it is done.

Mr. Laughren: You have rejected claims all along the way—

Mr. Starr: Those that don't come under—

Mr. Laughren: On stomach cancer, Mr. Starr, a year ago in these debates Dr. Stewart was talking about Dr. Ritchie. He said about Dr. Ritchie: "We feel that he has the greatest amount of experience now in dust and dust-related diseases in the country, and that is his role with us." Six months later, what did the board do with Dr. Ritchie's report? Hold it up for further study. Six months later, suddenly he wasn't the one with the greatest amount of experience in the country. He was somebody whose report had been further examined. Don't tell me that that's not dragging your heels in industrial diseases.

Mr. Starr: It wasn't thrown out.

Mr. Laughren: You did your best.

Mr. Starr: We did our best to approve it.

Mr. Laughren: You did your best to hold it up and delay it as long as you could.

Mr. Starr: I did not. I think that's most unfair of you to say that I did my best to hold it up.

Mr. Laughren: How is it that one minute Dr. Ritchie is the best in the country and the next minute you have to hold up his report for study?

Mr. Starr: You want an explanation for the whole situation?

Mr. Laughren: Yes.

Mr. Starr: All right. Dr. McCracken will tell you exactly what happened.

Dr. McCracken: Mr. Chairman, I believe that the member is pretty well aware as to the statement that I made at the time of the press release, detailing what went on. All I can say at this time is that Dr. Ritchie, in my opinion, still is the most senior, most knowledgeable pathologist—and I say "pathologist"—in dust effects that I know of. But he himself admitted that he was not an epidemiologist. That was the difference right there: I had to seek out an epidemiologist to prove the point. I'm very happy that I was able to prove the point, because I proved it in such a way that I will be greatly surprised if any industry or if any other jurisdiction will ever challenge it, and copies are pretty well in wide distribution outside of Canada right now.

Mr. Laughren: I assume that his qualifications hadn't changed between December 8 and May or June.

Mr. Starr: It wasn't his qualifications—

Mr. Laughren: It was true of lung cancer as well. The board fought against recognizing lung cancer as a compensable disease with asbestos-related employment if there was not asbestosis as well. And you know that. For a long time the board said: "Unless there's

asbestosis present as well, we will not recognize lung cancer if there has been asbestos-related employment." Am I right or wrong? Yes, I'm right.

Mr. Starr: If we logically explained that, you'd probably jump on something else anyway; so go ahead.

Mr. Laughren: You can draw your own conclusions if you like. I think I'm being extremely fair and giving you the benefit of the doubt.

Mr. Chairman: Overly generous.

Mr. Laughren: Thank you. I would say that the one that is the final—and you may think that the member for Scarborough West was putting it to you a bit strongly yesterday—

Mr. Starr: No, not really.

[9:45]

Mr. Laughren: —but I want to tell you, that whole question of throat cancer just bothers me so much, and I know it bothers him a great deal too. I don't care what Dr. McCracken says about causal relationships. When you've got reports by Morgan, Stell and McGill, Newhouse and Berry, all of which give an indication that there's a relationship between throat cancer and asbestos, and you can talk until you're blue in the face about benefit of the doubt and you won't convince anybody, not just a partisan politician like me. You won't convince anybody.

Mr. Starr: You were a partisan politician, Floyd, ever since I've known you.

Mr. Laughren: Yes. Well, everything's relative, I guess, Mr. Starr.

Mr. Starr: Right.

Mr. Laughren: You have your own particular bent as well.

This is what I was looking for. It just happened to appear before me. I'll finish my remarks because I know the members are getting restless. This is from the Workmen's Compensation Board:

"The injured workman does not require a preponderance of evidence in support of his claim so long as reasonable inferences"—inferences!—"can be drawn in his favour. Every reasonable consideration is accorded to those disabled or bereaved by employment in Ontario."

I read that and I've got it attached to the Stell and McGill, and to Morgan, Newhouse and Berry reports on throat cancer and asbestos. I read that statement from the board and I think you've got some strange kind of standard at the board that allows you to say that one day and reject a claim for throat cancer on the other. You know, deep down in your gut, you know that just as it happened with stomach cancer, just as it happened with lung cancer and asbestos, it's going to happen with throat cancer. You're going to have to compensate people who have throat cancer if they have been exposed to asbestos. It's inevitable.

I'll tell you something else. I worry more about this Minister of Labour giving in when it becomes obvious than any other Minister of Labour we've had. It's not a very nice thing to say, but I worry about that; and I would only hope that the officials within the board will persist, that when the evidence is there to their satisfaction—it's there to ours now—but when the evidence is there to their satisfaction, to their incredible standards, that they will have the strength to say, "Damn it, you must recognize this as a compensable industrial disease."

Mr. Starr: It will be a matter of board policy.

Mr. Laughren: Well, I know who sets board policy too.

Mr. B. Newman: Mr. Chairman, I wanted to bring to the attention of the chairman and the members of the board, some of the frustrations that one runs into as a member processing claims for constituents. For example, just the other day, I got a reply from the board stating that Mr. X's disability was rated at 8.8 per cent—with no explanation whatsoever as to why it was 8.8 per cent and not nine per cent or 15 per cent, or the fact that the maximum that he could have got was a 30 per cent permanent partial disability.

The fellow and myself, looking it over, are completely in the dark as to why the assessment was just as it was. I think anytime you're replying to a constituent, there should be a lot more detail, a lot more explanation in there. The follow-up letter came along and stated that his compensation—it happened to be a commuted one—was going to be X amount of dollars.

There was no indication at all to him that it was a commuted compensation; no indication to him as to how they based the total amount of money that he was going to receive; completely unfair to the individual.

The only way I found out was after several calls to the board, speaking with one of the

individuals and then him explaining it to me. May I say it was satisfactorily explained to me, but I shouldn't have to ask for that and neither should the injured workman; it should be, automatically, the responsibility of the board to provide him with the details as to why he first was compensated at 8.8 per cent, why it was—what is the term used when it is—

Mr. Starr: Commuted.

Mr. B. Newman: Commuted—and how they arrived at the 8.8 per cent, how they arrived at the total settlement.

Mr. Starr: I couldn't agree with you more.

Mr. B. Newman: Why this doesn't happen at the board, I just can't understand at all. It would save someone in the board a lot of work later on and it would save us a lot of frustrations. We would satisfy, or at least partially satisfy, the constituent for whom we are acting. That doesn't happen one time; it is too frequent.

Another thing I can say from personal experience is how in the hell do you get them to reply to you when you want them to reply? You may wait days for someone to reply to you. I don't accept that at all.

Mr. Starr: Is that by letter or telephone?

Mr. B. Newman: Telephone calls. I'd prefer to get the thing by telephone, as quickly as possible, but naturally the constituent has to have everything in writing because he wants to know just exactly how you people arrived at the decision at which you did arrive.

I'm not criticizing the decision at all. I'm only being critical of not providing sufficient information to the individual who is being compensated. That has to be corrected. I don't think the injured workman should have to accept the type of response he gets from your officials at the board.

Also, if I may, when the member acts on behalf of the constituent, all of the information that is provided to the constituent likewise should be provided to the member so that he knows just exactly how these figures are arrived at.

There are a lot of other items that I could raise but this is the one thing that really irritated me. I know others want to make comments concerning compensable cases, and I would prefer now to let others have a chance to make their comments.

Mr. Starr: Mr. Kerr has listened attentively to what you said and I don't think it will be necessary for you to communicate any more. I will discuss this with Mr. Kerr and we will rectify the situation.

Mr. B. Newman: I wouldn't raise the issue at all, because I find that in my dealings generally, that though I may not agree at least I get a reply, or have at times got a reply within a decent period of time; but why can't you find files there time and time again?

Mr. Starr: Just a moment now. I complained as much as you do and as much as the members did six months ago, but there's a very good change. There's been a real improvement in the availability of files. I have to admit that; and that is on a continuous basis.

Mr. B. Newman: You should be able to answer us immediately, really. You computerize everything. Gosh, it's so simple to push buttons.

Mr. McCague: I have just a couple of short questions. When an award has been processed, how long does it take for a cheque to get through that computer system?

Mr. V. G. Sweeney: I would say, generally, 24 hours. If it goes into the computer system this afternoon, the cheque should be produced first thing tomorrow morning and out in the mail that day.

Mr. Haggerty: Is that wishful thinking?

Mr. McCague: That's a great system. I guess we'd have to check with the mail service, then, on that one.

Mr. V. G. Sweeney: It depends on when it was authorized. Once it has been keyed into the computer system today, it will definitely be out in the mail tomorrow unless we have a computer breakdown, and that doesn't occur too often.

Mr. McCague: Just for my information, how often do you have a computer breakdown; and when a cheque is ordered what does that mean, could there be a backlog of those that are ordered?

Mr. V. G. Sweeney: That would have to be answered by Mr. Kerr. As far as the computer is concerned, volume makes no difference.

As far as the frequency of breakdown is concerned, it's very minimal. Yesterday, for example, the air conditioning went off for three hours. We had to shut down operations. This type of situation does occur but that's not something that's frequent enough really to interrupt the flow of cheques. As far as

volume is concerned, it has nothing to do with it; the computer can take any volume that's put into it.

Mr. McCague. That doesn't really seem consistent, but I'm glad to hear that's the case.

Mr. V. G. Sweeney: I'm not sure what you mean by consistent.

Mr. McCague: Maybe your computer isn't as overloaded as some others in government, for instance. Whether it's your board or other government departments, you consistently say it's been sent to the computer.

Mr. V. G. Sweeney: All I can say is that once it is into the computer operation, it only takes 24 hours, at the most, to have a cheque out. Mr. Kerr insists upon this, this is board policy.

Mr. McCague: That's encouraging. I note three categories for farm owner coverages; can someone tell me what those three categories are?

Mr. Starr: Have you the rate books? Just a moment, we'll get the rate books.

Mr. A. G. MacDonald: Did you say that it had to do with farming?

Mr. McCague: Yes. It was mentioned last evening, I think, that there were three categories through which a farm owner could apply.

Mr. A. G. MacDonald: Farming as an industry is compulsorily under the Act, it is not by application. There are two categories, I could read all of the—

Mr. McCague: No, no.

Mr. A. G. MacDonald: The two rates that are applicable for 1976 are $2.40 per $100 payroll—

Mr. McCague: No, no; don't get me incorrectly. I understood, in answer to one of the other members last evening, that it was said there were three categories under which a farmer-owner could apply to be covered. I understand it's mandatory that employees be covered and that the farmer himself can be covered by application.

Mr. A. G. MacDonald: As an independent operator, yes.

Mr. McCague: That's right. I think in answer to Mr. Gaunt it was said there were three categories under which that farmer-owner-operator could apply.

Mr. A. G. MacDonald: There are only the two categories. If he has employees, he may at the same time get personal coverage for himself, which is the same as the coverage he would get as an independent operator if he had no employees. It's an application situation; he selects a rate of coverage within the range of minimum and maximum under the Act.

Mr. McCague: Can he cover his wife and family?

Mr. A. G. MacDonald: He can cover his wife and family as well.

Mr. McCague: Do they become employees or is that—

Mr. A. G. MacDonald: In some cases, if a wife is placed on the payroll as an employee and is paid a stated wage; and the same if it's a member of the family, if they are placed on the payroll and controlled and supervised in the same way as a workman would be; then they could be covered as workmen.

On the other hand, if they are more of a partner, sharing in the proceeds of the business without there being any formal pay arrangement, then they could be covered by application under independent operator coverage.

Mr. McCague: The Attorney General's (Mr. McMurtry) bill will change all that then, husband and wife share completely in everything.

Mr. A. G. MacDonald: When we assume they are partners that's the assumption we are making.

Mr. McCague: I mentioned, in questioning a couple of days ago, that my problems with people seem to be that they did not want to take rehabilitation. Can anybody tell me what percentage of those recommended for rehabilitation do not take it?

Mr. A. G. MacDonald: Recommended by whom?

Mr. McCague: I think by the Workmen's Compensation Board.

Mr. A. G. MacDonald: Are you talking about rehabilitation at our centre?

Mr. McCague: Some kind of training or rehabilitation.

Mr. A. G. MacDonald: Dr. McCracken, do you wish to deal with that? As I understand it, you are assuming that an individual at the board has suggested to the individual that he should be rehabilitated by some process.

[10:00]

Mr. McCague: Where I run into it is constituents say they are not receiving enough from the Workmen's Compensation Board for the injury, and what I take from it is that the Workmen's Compensation Board has suggested that they take rehabilitation of some sort, whether it be further job training or whether it be further medical treatment or therapy, and they have refused to take it—some because of what they claim are the poor conditions at Downsview. That's not the first time we've heard that one, Dr. McCracken.

Dr. McCracken: No.

Mr. McCague: Some refuse because they just don't want to do it. Can you give me any percentage of people who fall into that category?

Dr. McCracken: No, I can't give you any percentage off the top of my head as to the number of people who refuse to come to Downsview. Is this the per cent figure you're after? Or the overall number of people who refuse when a recommendation is made from the vocational rehabilitation counsellor that they take upgrading and training, or that they take some other type of training to improve their opportunities of getting into a better paying position, plus the actual physical rehabilitation? I don't have any off-the-top-of-my-head figures as to the number who refuse. All I can tell you is that I would hazard that it's quite a low percentage, really.

Mr. McCague: It's low, but you do acknowledge that there are those people who absolutely refuse to take this?

Dr. McCracken: Yes.

Mr. McCague: Thank you.

Mr. Lane: Mr. Chairman, it's 10 o'clock and we don't have a quorum.

Mr. Chairman: I think we've operated without a quorum before. I understand Mr. di Santo wants to make a few remarks.

Mr. di Santo: Yes, it's getting pretty late—

Mrs. Campbell: Is there to be any kind of a limitation, in view of the fact that we really have operated in this committee in a most unfair fashion, Mr. Chairman. I recognize your problems, but as you are aware, from day one, when the Liberals were lined up there, we were not—

Mr. Chairman: Did you wish to speak?

Mrs. Campbell: Yes, I did.

Mr. Chairman: Mrs. Campbell, you're on next.

Mrs. Campbell: Thank you.

Mr. Chairman: I'm sorry, I didn't realize you wanted to speak.

Mr. di Santo: Thank you, Mr. Chairman, I can be very—

Mr. Chairman: No, Mrs. Campbell will be speaking, because the Liberals are now behind something like 300 minutes, which in my estimation is five hours.

Mr. di Santo: Mr. Chairman, if I may—

Mr. Chairman: Mrs. Campbell has the floor.

Mr. di Santo: On a point of order, Mr. Chairman. I am glad that Mrs. Campbell will speak, but I think that she didn't indicate her wish until I was starting to speak.

Mrs. Campbell: No, Mr. Chairman, I indicated before when I asked about it and—

Mr. Chairman: I will hear you, Mrs. Campbell, because you indicated earlier. It's my fault.

Mrs. Campbell: Mr. Chairman, I did speak before, and I possibly would not have spoken again if I had not heard the interchange between the minister and some of the members as the discussion proceeded on the benefit of doubt. I think if the Workmen's Compensation Board had itself undertaken, or even asked for the provision of funds to undertake research, there might have been some justification for waiting for a period.

When we hear that a doctor with the board telephones New York to find out how a study is coming along, it seems to me that it's a pretty casual way to deal with this matter of people who have been waiting, in some cases for years, for a resolution of their problems. I just don't find it at all acceptable.

I was also concerned when the minister stated that part of our reason for being so concerned to get the facts was because we were leading all other jurisdictions in this field and they were looking to us. I don't feel any real obligation or responsibility to other people in the field, be it in another province or another country. I think we should be doing our own thing quite apart from what effect it will have on somebody else.

As I explained before, I was deeply concerned with the opening remarks of the chairman and there is no way I can accept that there is in fact a benefit of a doubt in favour

of the injured workmen. The benefit of the doubt is perhaps operating where you really have tied down the evidence and then perhaps you look at some of the problems which develop out of it. That may be the way in which benefit of the doubt occurs but it certainly doesn't occur, in any sense, in the way I understand the operation at law of the benefit-of-the-doubt principle.

I would have hoped—and I mentioned it, I think, not long ago—that perhaps we could approach compensation rather through the res ipsa loquitur rule, which is very much more flexible and which simply says the thing occurred, therefore. . . . Granted it is related to negligence, but nevertheless it does say the thing speaks for itself. That is the kind of approach I have been trying to see coming out of these discussions. I am disturbed that there is such a resistance, when you are being invited by a group of, I believe, very responsible citizens, to look at our concern and our very real frustrations with this board.

It really isn't good enough for people to sit in ivory towers and to decide that when somebody somewhere in the world comes up with a report which, beyond a shadow of a doubt, gives indication that this should be a compensable injury, disease or whatever, then we will deal with it. But the people are aging while we wait.

I had a man come to see me; he came in with me to this room because he very much wanted the opportunity to speak to you. I think there ought to be an opportunity for people who want to address this committee to address the committee, so that their stories may be heard, if this is what they wish.

I guess I am in that odd exceptional group again: Most of the people I get don't get the opportunity for rehabilitation. In this case the man advises me—and all my records on the case go back some time, and I understand Mr. Grande is now dealing with it, and others have dealt with it—the inference is that he cannot be helped by the rehabilitation process; that is the vocational rehabilitation process. Certainly he has been, I think, experimented upon over a course of time to such a degree that I would suggest once more perhaps that in his case you look at the psychological effects of what you have done to this man over the course of the time that he has been in contact with—I would almost say the victim of—an experience with this board.

I have said it ever since I have been in this House: I have never really seen what your effective process is in rehabilitation; because again, I sent cases down, I was told specifically to send them because I quarrelled with you. Each time the answer came back: "You've caught us again. This is one of those cases we really can't do anything about." So I gave up. I wonder just how many people—what is your success rate on vocational rehabilitation? Have we anything at all statistically—

Mr. Starr: Would you like it now?

Mrs. Campbell: Yes, I would like it now.

Mr. Starr: Dr. McCracken is searching for it right now. He'll have it out in a minute. He can give the statistics on rehabilitation.

Dr. McCracken: The figures so far this year—

Mr. Starr: Have you got them for 1975?

Dr. McCracken: Yes.

Mr. Starr: Complete? I think you could give the figures for the full year, and then you can give the 1976 ones.

Dr. McCracken: These are the accumulative totals for 1975. The total of new referrals was 16,731 cases, out of which the service was completed in 12,468 cases. That left a carryover into the following year of approximately 5,000 cases not rehabilitated. The ones where they have said we can't do anything further—the person is not rehabilitable for any number of reasons—total 182.

Mr. Starr: That's 182 out of 16,731?

Dr. McCracken: Yes.

Mrs. Campbell: All right. Could I get a definition of what you mean by success? Does this mean that people have been through the system, that they have gained some further knowledge and are back in the work force?

Dr. McCracken: Not necessarily that they have gained some further knowledge but, yes, they are back in the work force.

Mrs. Campbell: Well, further skills or further whatever.

Dr. McCracken: Not even necessarily further skills, because the majority are not put on upgrading courses or sent to community colleges, as you can appreciate. The majority are fitted into the type of work which they are capable of doing if they have an onging permanent disability.

Mrs. Campbell: Give me a "for instance."

Dr. McCracken: A "for instance" in what? Of being placed back into the work force?

Mrs. Campbell: Yes. What was done? What kind of vocational rehabilitation took place? What was the person before and what was that person afterwards?

Dr. McCracken: I suppose a good example of that would be a person who had to make considerable use of, say, his legs; he had to do a lot of walking up and down stairs, climbing ladders and things like that. Let's say something happened to his knee. As a result of this, let us say that the worst situation is that he is left with a residual permanent effect. The majority of these cases are not permanent disabilities; they are transient and they go ahead and improve up to the point of being returned to normalcy. But let's take the one that isn't. The rehabilitation mechanism is to fit that person into the type of a job where he does not have to walk up and down considerable stairs, if any, in fact, except possibly to get to work and get out of the work place. He doesn't have to climb ladders. He is given a job at bench level, operating a machine or working on an assembly line where it is not required that he has to crawl around and bend a knee which is stiff. This is an example.

Mrs. Campbell: I see. At least we have made this progress—I remember giving the example, I guess three years ago—that at least we know that we have progressed to the stage where a man with two fused heels on crutches is not sent to a quarry to work. That wouldn't happen again?

Dr. McCracken: A man who has two fused heels and is using crutches?

Mrs. Campbell: That's right. And was sent to a quarry to co-operate with the Workmen's Compensation Board.

Dr. McCracken: Not that I am aware of, no; it has not happened.

Mrs. Campbell: That did happen! It won't happen again.

Dr. McCracken: So far as I am concerned, no.

[10:15]

Mrs. Campbell: I am relieved. We have really made progress in this field, I suppose.

Could you tell me what rehabilitation is available if, as and when you grant compensation to a registered nurse? What do you do for her by way of vocational rehabilitation since she is no longer able to practise her profession? I recognize it's very hard for her even to get compensation, but on the rare occasion she does, what do you do for her?

Dr. McCracken: I would presume that part of the rehabilitation programme for a nurse who can no longer do general duty, that is lifting patients and this type of strenuous activity, would be to fit her into a position on the ward or in the ward office doing chart work, which is a pretty light type of activity; or the other aspect would be the nursing office if she has the qualifications. If not, we then consider upgrading her so that she would be able to enter into the teaching programme.

The other aspect that one would consider, I suppose, would be the placement of this nurse in an appropriate doctor's office, where she doesn't have to lift patients, and where she doesn't have to lean over and make beds and so on.

Mrs. Campbell: Could you tell me how many you have? How many registered nurses are there on compensation at the moment and how many of them have you been able to put back into the hospital stream successfully?

Dr. McCracken: I don't have that information.

Mr. Starr: That would take a great deal of research.

Mrs. Campbell: Why?

Mr. Starr: We don't categorize people.

Mrs. Campbell: Oh yes you do, you do it every day. Surely that's something you could get.

Mr. Starr: If you want us to, we'll get it for you if we can.

Mrs. Campbell: I'd like to have it.

Mr. Starr: Mr. Kerr says it's impossible.

Mrs. Campbell: The average nurse will tell you that if she has that kind of disability there is no way, in today's hospital environment, they would take her back under any circumstances. There aren't light duties for registered nurses, certainly not in Toronto hospitals. I have nine of them in my riding, so I know something about the hospitals in my riding.

Dr. McCracken: I merely point out to you what I would visualize. Mr. V. G. Sweeney also mentions nurses employed as statistical coders, because this is an enlarging field. We employ them ourselves; and they'll be employed by HMRI, if they don't have them already. Possibly OHIP is going to start employing RN statistical coders. These are—

Mrs. Campbell: But you will never be able to give the figures on how many of these nurses there are on compensation, even with a computer?

Mr. V. G. Sweeney: Only if it's coded, and occupations are not coded.

Mrs. Campbell: I think that then leaves me in the position where I very much question how many of them, although applicants, ever get processed successfully. It's too bad we can't get that information.

Mr. Kerr: May I answer that? In the adjudication of claims the occupation is shown on the form as it comes in, but we have not in the past had a need to put that into statistical records in the course of processing the claim. Perhaps it's of interest to know the occupation when we're adjudicating the claim and for rehabilitation purposes, but to my knowledge we've never had a need in the past to code into every individual claim record the occupation of the injured person.

Mrs. Campbell: I think my problem is that I'm busy trying to get these poor souls who can no longer practise their profession into the GAINS programme. This is one of the things that makes me concerned about the suggestion of the member for Nickel Belt. While I have been very critical, I do see, from some of the problems when you get into the GAINS programme and get the kinds of decision-making there as to whether a person is permanently unemployable by reason of a disability or personally disabled or permanently disabled, that you get the same sort of problems you get with compensation. To that extent I do understand what Mr. Starr says, and of course we have to work to establish a better system on that.

I wonder if the board might like to do a project involving looking at some of the problems in, for example the juvenile courts, to see some of the effects. I have no statistics on it but it would be something you might like to look at; the effects on children, particularly children who have come here fairly recently, who belong to a kind of culture which places father in a very dominant role in the family, and suddenly, by reason of an injury, he loses that role. And he loses more than just the role of the worker, he loses his role as the, enforceable if you like, head of the family; and we see the children getting out of hand and father frustrated and upset.

I wonder if you mightn't like to look at that to add to some of your statistics, to see whether there's merit in what those of us who plead for humanity are saying.

It is at least a place to look; particularly in a city like this, because I'm telling you that an injured workman is defeated in so many ways. He really is; he's defeated in so many ways and perhaps there could be something like that undertaken.

Just to look! It may not be valid, although I know there are instances. They may not be enough to make it significant, but I'd like somebody to look at it; perhaps you would be the people do to it.

Mr. Starr: Mrs. Campbell, I'm glad you pointed that out because I'm very much aware of it. I know; I was citizenship court judge in the city of Toronto for four years. I saw these cases and I know what it means.

I used to have courts at St. Mary's of the Angels Church at nights. I held them at night simply because people didn't want to take time out from work. I was willing to go there and hold examinations, swear them in; all over the city, wherever they wanted me to do this.

I've talked to this. When I mentioned, yesterday I think is was, the eleventh and twelfth week of training for the claims adjudicators, this is exactly what I point out to them; that that's a human being, the head of a family with four or five children for whom he had great appreciation, for whom he had great plans; to educate them, to get for them the comforts of life in their home and to provide decent clothing for them and their education; and all of a sudden, because of the accident, the whole world shatters around him. Those are the things I try to embed in the minds of our claims adjudicators, and I do this with each and every group which comes up.

Mrs. Campbell: I think, with respect, it goes a little beyond the fact that they lose the aspirations and the dreams. They do, sometimes, also lose the respect of the children in the home; there is a different attitude, in some cases, to the father. If you can look at that I might have accomplished something in three years of frustration.

Mr. Starr: Mrs. Campbell, in those three years we were engaged in putting into practice the recommendations of the task force; complete reorganization, new systems, everything. This has taken up our time. We're entering into a new phase of trying to do other things that will be of benefit to the injured worker.

Mrs. Campbell: I think, in closing Mr. Chairman, I have to say that I do agree with Mr. Laughren, that in three years I think we should have been beginning to see the kinds

of improvement which I, frankly, have not seen.

Mr. Starr: Mrs. Campbell, if you could spare the time from the busy life I know you have, to come down and spend a day, to go through, to let someone of expert mind show you how the thing is processed, what is being done there, I guarantee you'd have a different concept. As Mr. Reid told me when he came down, after 3½ hours, which I thought was the greatest compliment the Workmen's Compensation Board could have had, he said, "Michael, I've been in other government agencies and yours is the only government agency where everybody seems to be doing something."

Mrs. Campbell: I would just like to put on the record one other thing, and that is, I did hear the Leader of the Opposition (Mr. Lewis) make remarks about the former chairman. I was not here at the time that there was a great kerfuffle about the former chairman. I want you to know, Mr. Chairman, and I want to be on record that I worked with that man, not as a lawyer, certainly not in the militia, but in an agency known as The Good Neighbours, one of the agencies that has practically no sympathy from anybody, because you're dealing with the really tough skid row characters. I know the compassion of that man and his dedication to the injured workmen and to those people, and I can't sit idly by and have this continuing criticism of that man without speaking up and at least telling you something of the other side of that coin. Thank you, Mr. Chairman.

Mr. di Santo: I think I've got four minutes, unless we wait until we are called to vote in the House.

Mr. Chairman: I think we'll have to close at 10:30. There's no one here but you and I and the board—

Mrs. Campbell: I am here; I am going to wait.

Mr. Chairman: Sorry, Mrs. Campbell.

Mr. di Santo: Mr. Chairman, I think that in three minutes I cannot make any comment at all; but just to summarize, I've been at most of the hearings during the three days and I don't know how much it will change, how much you will be receptive of the criticism, which is not an unfounded criticism. It comes out of the frustration of the members who are dealing every day with cases and, in my particular case, with hundreds of cases of injured workers who feel the frustration of the system. You may justify your system, you may think that it's working and you may think that by 1979 most of the problems will be solved, but I can tell you that right now there are people who are suffering because of your system. When I say you, I don't mean you personally, but the way the system is structured.

We heard that cases are processed and within 10 days you make a decision on the uncomplicated cases, or within 20 days you make decisions on the uncomplicated cases. I can bring you hundreds of cases. I have cases where people have been injured in October and today they have no decision, and when I phone in they tell me it will take one month to send out an investigator. I have cases where workers have appealed and for months they don't hear anything. We have people here who were injured in 1961 and recognized 19 per cent disability 1963, and finally November, 1975, he is recognized 90 per cent disabled; and this is Mr. Harold James who is here in this room.

[10:30]

We have cases of workers who have been under what you call "active treatment" and receive no compensation for months. I have a case of a worker, one of my constituents, Giovanni Baccante, who has not received any money since May. He's going through all the nightmare of the consultants and hospitals, and today there is no decision. I don't know how you can justify this. I know that if I give you the examples you will tell me that there is a justification. I have the number of people who are referred to psychiatrists and it is a very high number—in 1975 it was 1,332 people. I really question if those people had psychiatric complications as a result of the accident or as a result of the system or as a result of the pressure that the system puts on them.

I don't want to re-emphasize what Mrs. Campbell said but that is a most serious problem. I haven't got time, unfortunately, but I am in a position that whenever I deal with the Workmen's Compensation Board I feel frustrated. I can give you examples—as I said before, there is no time—of people who have been on full compensation and all at once full compensation is stopped. Then after six months they are restored by a decision of the board without any variation in their clinical situation.

I think you have to look at those problems, because there are people who are sad and who are frustrated. You are raising the anger of people out there and I don't think we can go ahead this way. I can tell you, and this is not personal, Dr. Tovell makes his decision

on the basis of his knowledge, contrary to the opinions of specialists, surgeons, orthopaedic doctors. Then you have people with partial disability, and you are telling us that people are rehabilitated, brought back to the labour market. In almost all the cases, the people who are hired cannot go back to the labour market. I can give you a list of all the cases and I wish you would explain to me at some point why that happens.

I have a case of a worker who has not been recognized as disabled because he had no physical disability. He had what they call an overlay—and I wonder what that means. For three years this poor young guy, born in 1942, has been out of compensation on welfare. Today he is at the Toronto General Hospital for major surgery on his back. I will be back with that case in front of the Workmen's Compensation Board. But I want to tell you that that is not our job. What you are doing is forcing us into a position where we have to be in a constant confrontation with the board and we don't want that. Neither do the workers want that.

Mr. Starr: Mr. di Santo, may I just interrupt for a moment? I was a member of Parliament in the federal government for 16 years. During the period of time when I was Minister of Labour, people from all over Canada wrote to me about various problems, and particularly unemployment insurance problems. I had 8,000 open files at any given time. I had 192 immigration cases at any given time from all over Canada. I didn't complain. I felt the people had turned to me because they didn't get the service they wanted to get and I interceded on their behalf. That's the job of an MPP or an MP.

Mr. di Santo: Mr. Chairman, through you, could you then explain to us—

Mr. Chairman: We have gone beyond 10:30.

Mr. di Santo: This is my final remark, Mr. Chairman. What I am telling you is that we deal with all kinds of agencies—unemployment insurance—

Mr. Starr: So did I.

Mr. di Santo: —welfare, family benefits, and we do that because it is our duty. But when we come to the Workmen's Compensation Board, when you have a case you never help, and that is not our fault.

Mr. Starr: I was never successful in all my cases, and I had compensation cases even though I was a federal member. I was never successful with them all.

Mr. di Santo: The problem is not of our personal ability to be successful or not. The problem is that the system doesn't work and you know that.

Mr. Starr: And that is why you have the problem of people coming to you, because it doesn't come under the board.

Mr. Chairman: It is now past 10:30 p.m.

This concludes the hearings on the Workmen's Compensation Board.

Before we conclude, as chairman of the committee, I want to thank the committee members for their attendance. I want to thank you, Mr. Starr, and the members of the Workmen's Compensation Board and the staff for their attendance at the hearings.

Mr. Starr: On behalf of my colleagues from the Workmen's Compensation Board, I want to thank you, Mr. Chairman, and the members of the committee. I hope we can get together and bring about a better deal for the workers at all times.

Mr. di Santo: I will come and see you.

The committee adjourned at 10:36 p.m.

APPENDIX E

ALPHABETICAL LIST OF MEMBERS OF THE LEGISLATURE OF ONTARIO

(125 members)

Third Session of the 30th Parliament

Speaker: Hon. Russell Daniel Rowe **Clerk of the House: Roderick Lewis, QC**

Member	Constituency	Party
Angus, I.	Fort William	NDP
Auld, Hon. J.A.C.	Leeds	PC
Bain, R.	Timiskaming	NDP
Belanger, J. A.	Prescott and Russell	PC
Bennett, Hon. C.	Ottawa South	PC
Bernier, Hon. L.	Kenora	PC
Birch, Hon. M.	Scarborough East	PC
Bounsall, E. J.	Windsor-Sandwich	NDP
Breaugh, M.	Oshawa	NDP
Breithaupt, J. R.	Kitchener	L
Brunelle, Hon. R.	Cochrane North	PC
Bullbrook, J. E.	Sarnia	L
Burr, F. A.	Windsor-Riverside	NDP
Bryden, M.	Beaches-Woodbine	NDP
Campbell, M.	St. George	L
Cassidy, M.	Ottawa Centre	NDP
Conway, S.	Renfrew North	L
Cunningham, E.	Wentworth North	L
Davidson, M.	Cambridge	NDP
Davis, Hon. W. G.	Brampton	PC
Davison, M.	Hamilton Centre	NDP
Deans, I.	Wentworth	NDP
di Santo, O.	Downsview	NDP
Drea, F.	Scarborough Centre	PC
Dukszta, J.	Parkdale	NDP
Eakins, J.	Victoria-Haliburton	L
Eaton, R. G.	Middlesex	PC
Edighoffer, H.	Perth	L
Evans, D. A.	Simcoe Centre	PC
Ferrier, W.	Cochrane South	NDP
Ferris, J. P.	London South	L
Foulds, J. F.	Port Arthur	NDP
Gaunt, M.	Huron-Bruce	L
Germa, M. C.	Sudbury	NDP
Gigantes, E.	Carleton East	NDP
Givens, P. G.	Armourdale	L
Godfrey, C.	Durham West	NDP
Good, E.R.	Waterloo North	L
Grande, A.	Oakwood	NDP
Gregory, M. E. C.	Mississauga East	PC
Grossman, L.	St. Andrew-St. Patrick	PC
Haggerty, R.	Erie	L
Hall, R.	Lincoln	L
Handleman, Hon. S. B.	Carleton	PC

Member	Constituency	Party
Henderson, Hon. L. C	Lambton	PC
Hodgson, W.	York North	PC
Irvine, Hon. D. R.	Carleton-Grenville	PC
Johnson, J.	Wellington-Dufferin-Peel	PC
Johnston, R. M.	St. Catharines	PC
Jones, T.	Mississauga North	PC
Kennedy, R. D.	Mississauga South	PC
Kerr, Hon. G. A.	Burlington South	PC
Kerrio, V.	Niagara Falls	L
Lane, J.	Algoma-Manitoulin	PC
Laughren, F.	Nickel Belt	NDP
Lawlor, P. D.	Lakeshore	NDP
Leluk, N.G.	York West	PC
Lewis, S.	Scarborough West	NDP
Lupusella, A.	Dovercourt	NDP
MacBeth, Hon. J. P.	Humber	PC
MacDonald, D. C.	York South	NDP
Mackenzie, R.	Hamilton East	NDP
Maeck, L.	Parry Sound	PC
Makarchuk, M.	Brantford	NDP
Mancini, R.	Essex South	L
Martel, E. W.	Sudbury East	NDP
McCague, G.	Dufferin-Simcoe	PC
McClellan, R.	Bellwoods	NDP
McEwen, J. E.	Frontenac-Addington	L
McKeough, Hon. W. D.	Chatham-Kent	PC
McKessock, R.	Grey	L
McMurtry, Hon. R.	Eglinton	PC
McNeil, R. K.	Elgin	PC
Meen, Hon. A. K.	York East	PC
Miller, Hon. F. S.	Muskoka	PC
Miller, G. I.	Haldimand-Norfolk	L
Moffatt, D.	Durham East	NDP
Morrow, D. H.	Ottawa West	PC
Newman, B.	Windsor-Walkerville	L
Newman, Hon. W.	Durham-York	PC
Nixon, R. F.	Brant-Oxford-Norfolk	L
Norton, K.	Kingston and the Islands	PC
O'Neil, H.	Quinte	L
Parrott, Hon. H. C.	Oxford	PC
Peterson, D.	London Centre	L
Philip, E.	Etobicoke	NDP
Reed, J.	Halton-Burlington	L
Reid, T. P.	Rainy River	L
Renwick, J. A.	Riverdale	NDP
Rhodes, Hon. J. R.	Sault Ste. Marie	PC
Riddell, J.	Huron-Middlesex	L
Rollins, C. T.	Hastings-Peterborough	PC
Rowe, Hon. R. D.	Northumberland	PC
Roy, A. J.	Ottawa East	L
Ruston, R. F.	Essex North	L
Samis, G.	Cornwall	NDP
Sandeman, G.	Peterborough	NDP

Member	Constituency	Party
Sargent, E.	Grey-Bruce	L
Scrivener, Hon. M.	St. David	PC
Shore, M.	London North	PC
Singer, V. M.	Wilson Heights	L
Smith, G. E.	Simcoe East	PC
Smith, Hon. J. R.	Hamilton Mountain	PC
Smith, R. S.	Nipissing	L
Smith, S.	Hamilton West	L
Snow, Hon. J. W.	Oakville	PC
Spence, J. P.	Kent-Elgin	L
Stephenson, Hon. B.	York Mills	PC
Stokes, J. E.	Lake Nipigon	NDP
Stong, A.	York Centre	L
Swart, M.	Welland-Thorold	NDP
Sweeney, J.	Kitchener-Wilmot	L
Taylor, Hon. J. A.	Prince Edward-Lennox	PC
Timbrell, Hon. D. R.	Don Mills	PC
Villeneuve, O. F.	Stormont-Dundas-Glengarry	PC
Warner, D.	Scarborough-Ellesmere	NDP
Welch, Hon. R.	Brock	PC
Wells, Hon. T. L.	Scarborough North	PC
Wildman, B.	Algoma	NDP
Williams, J.	Oriole	PC
Wiseman, D. J.	Lanark	PC
Worton, H.	Wellington South	L
Yakabuski, P. J	Renfrew South	PC
Young, F.	Yorkview	NDP
Ziemba, E.	High Park-Swansea	NDP

MEMBERS OF THE EXECUTIVE COUNCIL

Hon W. G. Davis	Premier
Hon. R. Welch	Minister of Culture and Recreation
Hon. J. A. C. Auld	Chairman, Management Board of Cabinet
Hon. R. Brunelle	Minister without Portfolio and Chairman of Cabinet
Hon. T. L. Wells	Minister of Education
Hon. G. A. Kerr	Minister of the Environment
Hon. L. Bernier	Minister of Natural Resources
Hon. J. W. Snow	Minister of Transportation and Communications
Hon. M. Birch	Provincial Secretary for Social Development
Hon. C. Bennett	Minister of Industry and Tourism
Hon. W. D. McKeough	Treasurer, Minister of Economics and Intergovernmental Affairs
Hon. A. K. Meen	Minister of Revenue
Hon. W. Newman	Minister of Agriculture and Food
Hon. S. B. Handleman	Minister of Consumer and Commercial Relations
Hon. F. S. Miller	Minister of Health
Hon. J. R. Rhodes	Minister of Housing
Hon. D. R. Irvine	Provincial Secretary for Resources Development
Hon. D. R. Timbrell	Minister of Energy
Hon. J. P. MacBeth	Provincial Secretary for Justice and Solicitor General
Hon. J. R. Smith	Minister of Correctional Services
Hon. M. Scrivener	Minister of Government Services
Hon. H. C. Parrott	Minister of Colleges and Universities
Hon. J. A. Taylor	Minister of Community and Social Services
Hon. B. Stephenson	Minister of Labour
Hon. R. McMurtry	Attorney General
Hon. L. C. Henderson	Minister without Portfolio

PARLIAMENTARY ASSISTANTS

Mr. F. Drea	Assistant to the Minister of Consumer and Commercial Relations
Mr. R. G. Eaton	Assistant to the Minister of Agriculture and Food
Mr. L. Grossman	Assistant to the Attorney General
Mr. W. Hodgson	Assistant to the Minister of Housing
Mr. T. Jones	Assistant to the Provincial Secretary for Social Development
Mr. R. D. Kennedy	Assistant to the Minister of Education
Mr. J. Lane	Assistant to the Minister of Transportation and Communications
Mr. N. G. Leluk	Assistant to the Minister of Culture and Recreation
Mr. K. Norton	Assistant to the Treasurer and Minister of Economics and Intergovernmental Affairs
Mr. D. J. Wiseman	Assistant to the Minister of Health
Mr. P. J. Yakabuski	Assistant to the Minister of Natural Resources

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Bain, R. (Timiskaming NDP)
Bennett, Hon. C.; Minister of Industry and Tourism (Ottawa South PC)
Birch, Hon. M.; Provincial Secretary for Social Development (Scarborough East PC)
Bounsall, E. J. (Windsor-Sandwich NDP)
Breithaupt, J. R. (Kitchener L)
Bryden, M. (Beaches-Woodbine NDP)
Bullbrook, J. E. (Sarnia L)
Campbell, M. (St. George L)
Cassidy, M. (Ottawa Centre NDP)
Conway, S. (Renfrew North L)
Cunningham, E. (Wentworth North L)
Davidson, M. (Cambridge NDP)
Davis, Hon. W. G.; Premier (Brampton PC)
Deans, I. (Wentworth NDP)
di Santo, O. (Downsview NDP)
Drea, F. (Scarborough Centre PC)
Eakins, J. (Victoria-Haliburton L)
Eaton, R. G. (Middlesex PC)
Edighoffer, H.; Acting Chairman (House) (Perth L)
Evans, D. A. (Simcoe Centre PC)
Foulds, J. F. (Port Arthur NDP)
Gaunt, M. (Huron-Bruce L)
Germa, M. C. (Sudbury NDP)
Godfrey, C. (Durham West NDP)
Good, E. R. (Waterloo North L)
Grande, A. (Oakwood NDP)
Gregory, M. E. C. (Mississauga East PC)
Grossman, L. (St. Andrew-St. Patrick PC)
Haggerty, R. (Erie L)
Hall, R. (Lincoln L)
Handleman, Hon. S. B.; Minister of Consumer and Commercial Relations (Carleton PC)
Henderson, Hon. L. C.; Minister without Portfolio (Lambton PC)
Hodgson, W. (York North PC)
Johnson, J. (Wellington-Dufferin-Peel PC)
Kerr, Hon. G. A.; Minister of the Environment (Burlington South PC)
Kerrio, V. (Niagara Falls L)
Lane, J. (Algoma-Manitoulin PC)
Laughren, F. (Nickel Belt NDP)
Lawlor, P. D. (Lakeshore NDP)
Lewis, S.; Leader of the Opposition (Scarborough West NDP)
Lupusella, A. (Dovercourt NDP)
Mackenzie, R. (Hamilton East NDP)
Maeck, L. (Parry Sound PC)
Makarchuk, M. (Brantford NDP)
Mancini, R. (Essex South L)
McCague, G. (Dufferin-Simcoe PC)
McClellan, R. (Bellwoods NDP)
McKeough, Hon. W. D.; Treasurer, Minister of Economics and Intergovernmental Affairs (Chatham-Kent PC)
McKessock, R. (Grey L)
McMurtry, Hon. R.; Attorney General (Eglinton PC)
McNeil, R. K.; Chairman (Standing Committee) (Elgin PC)
Miller, Hon. F. S.; Minister of Health (Muskoka PC)
Moffatt, D. (Durham East NDP)

Morrow, D. H. (Ottawa West PC)
Newman, B. (Windsor-Walkerville L)
Newman, Hon. W.; Minister of Agriculture and Food (Durham-York PC)
Nixon, R. F. (Brant-Oxford-Norfolk L)
Norton, K. (Kingston and the Islands PC)
O'Neil, H. (Quinte L)
Peterson, D. (London Centre L)
Philip, E. Etobicoke NDP)
Reid, T. P. (Rainy River L)
Renwick, J. A. (Riverdale NDP)
Rhodes, Hon. J. R.; Minister of Housing (Sault Ste. Marie PC)
Riddell, J. (Huron-Middlesex L)
Rowe, Hon. R. D.; Speaker (Northumberland PC)
Roy, A. J. (Ottawa East L)
Ruston, R. F. (Essex North L)
Samis, G. (Cornwall NDP)
Sargent, E. (Grey-Bruce L)
Shore, M. (London North PC)
Singer, V. M. (Wilson Heights L)
Smith, Hon. J. R.; Minister of Correctional Services (Hamilton Mountain PC)
Smith, R. S. (Nipissing L)
Smith, S. (Hamilton West L)
Snow, Hon. J. W.; Minister of Transportation and Communications (Oakville PC)
Stephenson, Hon. B.; Minister of Labour (York Mills PC)
Stokes, J. E.; Chairman (House) (Lake Nipigon NDP)
Stong, A. (York Centre L)
Swart, M. (Welland-Thorold NDP)
Sweeney, J. (Kitchener-Wilmot L)
Timbrell, Hon. D. R.; Minister of Energy (Don Mills PC)
Warner, D. (Scarborough-Ellesmere NDP)
Welch, Hon. R.; Minister of Culture and Recreation (Brock PC)
Wells, Hon. T. L.; Minister of Education (Scarborough North PC)
Wildman, B. (Algoma NDP
Williams, J. (Oriole PC)
Wiseman, D. J. (Lanark PC)
Yakabuski, P. J. (Renfrew South PC)
Ziemba, E. (High Park-Swansea NDP)

Workmen's Compensation Board officials taking part:

Greaves, J. R.; Director, Revenue Branch
Jacobs, Dr. W. F., Commissioner
Kerr, W. R., Executive Director, Claims
MacDonald, A. G., Vice-Chairman, Administration
McCracken, Dr. W. J., Executive Director, Rehabilitation Services
Reed, G. W., Vice-Chairman, Appeals
Starr, M., Chairman of the Board
Sweeney, V. G., Executive Director, Administrative Resources

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